



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference	:	CHI/43UM/LDC/2021/0043
Property	:	Maple House, Sycamore Avenue, Woking, Surrey GU22 9FE
Applicant	:	Willow Reach Residents Management Limited
Representative	:	HML PM Limited
Respondents	:	The long leaseholders
Representative	:	-
Type of Application	:	Dispensation with consultation requirements – section 20ZA Landlord and Tenant Act 1985
Tribunal Member	:	Judge E Morrison
Date and Venue of Hearing	:	Determination on papers
Date of Decision	:	14 June 2021

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. The Applicant management company explains that Maple House is a purpose –built block of 8 flats. Two booster water pumps supply water to the flats. Both require replacement; only one pump was working at the date of the application. Quotations from two companies were provided with the application.
3. The Applicant seeks dispensation from the consultation requirements under section 20 so the works can be carried out without the delay that following the consultation process would entail.
4. The application, although dated 30 December 2020, was not received until 20 April 2021. Directions were issued on 11 May 2021, when it was noted as urgent. The application and the Directions have been served on the leaseholders.
5. The Tribunal directed the leaseholders to indicate in writing by 21 May 2021 whether they consented to or opposed the application, and whether they agreed that the Tribunal could decide the matter on the basis of written representations only, without an oral hearing. Only one leaseholder, Lucy Peers of Flat 3, responded; she confirmed that she agreed with the application and that the Tribunal could decide the matter on the papers. The Applicant has confirmed that it has received no notice of any objections.

Decision

6. Both the quotations provided confirm that the stated works are required. The leaseholders do not object to the application, and there is no evidence of prejudice caused by the lack of consultation. The Applicant has obtained competitive quotes. In light of these matters and the urgency, the Tribunal is satisfied that it is reasonable to dispense with the consultation requirements in respect of these works.
7. This decision is confined to the dispensation from the consultation requirements. The Tribunal has made no determination as to whether the cost of the works is reasonable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 will be required.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.