

Consultation on major works



The obligations on landlords to consult residential tenants when they are contemplating carrying out major works to a building have long caused landlords and agents problems in terms of getting the procedure right and have been the subject of numerous applications to the Upper Tribunal.

The process is complicated, but, essentially, it involves two stages. The first involving a consultation with residents about the works and, secondly, consulting on estimates that have been obtained for the carrying out of the works.

Problems have often risen for landlords as to what to do in the event of the cost of the work increasing.

There is little guidance on the point, although a recent case that has appeared before the Court of Appeal has suggested that an appropriate test to apply on the question of whether or not further consultation is required is as follows:

1. consider whether or not the residential tenants had been given sufficient information as part of the consultation stage in respect of the estimates
2. for it then to be considered whether or not the tenants' protection, given by the consultation process, was likely to be materially assisted by the obtaining of fresh estimates.

The case in no way does away with the need to consult and the need to comply with the regulations in respect of such consultation, but it does offer some practical help in what is a minefield for managing agents and landlords.

If you want to talk more to anyone in the team, contact our [real estate team](#).



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