



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

Case Reference : **LON/00AW/LDC/2019/0030**

Property : **31 Evelyn Gardens London SW7
3BJ**

Applicant : **The Wellcome Trust Ltd**

Representative : **Savills UK Ltd**

Respondent : **Various tenants as listed in the
application**

Representative : **Did not appear and were not
represented**

Type of Application : **S20ZA Landlord and Tenant Act
1985**

Tribunal Members : **Judge F J Silverman Dip Fr LLM**

**Date and venue of
Paper determination** : **26 March 2019
10 Alfred Place London WC1E 7LR**

Date of Decision : **26 March 2019**

DECISION

The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985.

REASONS

1. The Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. The Application to the Tribunal was made on 18 February 2019.
3. Directions were issued by the Tribunal on 20 February 2019.
4. The Tribunal did not consider that it was necessary to inspect the property.
5. The property comprises a mansion block of 3 flats spread over five floors. In September 2018 an electrician attended the property to carry out an Electrical Inspection Condition Report the result of which was unsatisfactory. Further investigation revealed parts of the installation to be in a dangerous condition.
6. The Applicant considered that it was necessary to remedy this problem without delay and an independent assessment of the situation concluded that substantial repairs, the costs of which would exceed the s20 limit, were required.
7. The Applicant decided that it was in the best interests of the Respondent tenants to proceed with the repairs immediately and this was done.
8. The Respondent tenants were all notified of the situation and have all been notified of the Applicant's application for dispensation under s20ZA.
9. The Applicant now seeks dispensation from the further procedures under s20 as all the works have been satisfactorily completed.
10. None of the Respondent tenants has objected to the s20ZA application.
11. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides:

“Where an application is made to a [leasehold valuation] tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination *if satisfied that it is reasonable to dispense with the requirements* (emphasis added).”

12. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable.
13. Having considered the bundle of papers prepared for the Tribunal by the Applicant the Tribunal is satisfied that works undertaken were sufficiently urgent and necessary to permit them to exercise their discretion in the Applicant’s favour. The Tribunal did not consider that any prejudice would be caused to either party by granting dispensation as requested.
14. In these circumstances the Tribunal determines that it is reasonable to exercise its discretion to dispense with the statutory requirements for consultation.

Judge F J Silverman as Chairman
Date 26 March 2019

Note:
Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application 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.