



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

**Case reference** : **LON/00AU/LDC/2019/0055**

**Property** : **De Beauvoir Court Northchurch Road  
London N1 3NX**

**Applicant** : **Town and City Management Limited**

**Representative** :

**Respondent leaseholders** : **Various leaseholders as per the  
application**

**Representative** : **-**

**Type of application** : **To dispense with the consultation  
requirements under S.20 Landlord  
and Tenant Act 1985**

**Tribunal member(s)** : **Mrs E Flint DMS FRICS**

**Date and venue of  
determination** : **28 May 2019  
10 Alfred Place London WC1E 7LR**

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**DECISION**

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## **Decision of the tribunal**

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to replace the water tanks on the flat roof and repair the consequential damage.

## **(2) The Background**

1. The application under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) was made by the agents on behalf of the applicants on 11 April 2019.
2. The application concerned the replacement of two water tanks situated on the flat roof which were leaking and causing damage to the communal roof space and properties below.
3. Directions were issued on 10 April 2019 requiring the applicant to prepare bundles by 30 April to include statements
  - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
  - (ii) The Leaseholders were asked to confirm by 23 April whether or not they would give their consent to the application.
  - (iii) In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application; and provide copies of all documents to be relied upon.
4. No responses were received from the leaseholders of the twenty flats in the block.
5. The leaseholders were informed in the Directions issued by the Tribunal that the question of the reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

## **The Evidence**

6. On 29 March 2019 Town and City served Section 20 Notice of Intention to replace the water tanks and roof coverings underneath due to the existing tanks leaking.
7. A report into the condition of the tanks had been obtained from Red 100. One of the tanks is located slightly over the edge of the roof with the main overflow straight out over the main landing walkway. The tanks each hold over 1,000 litres of water. There was evidence of leaking from Tank 2. Inside Tank 2 an

attempt had been made to install a makeshift sparge pipe in the tank to create a crossflow of water. The crossflow issue needs rectifying in both tanks. It was not possible to examine the inside of Tank 1. The rooftop pipework requires checking, replaced or repaired where defective and insulated.

8. Red 100 recommended that both tanks be replaced and connected to ensure good cross flow through both tanks. The overflows and warning pipes are to be installed to current regulations to discharge safely.

### **The Decision**

9. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
10. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed urgently and that no prejudice to the lessees has been demonstrated or asserted.
11. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

**Name:** Evelyn Flint

**Date:** 28 May 2019