



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

Case Reference : **CAM/00MD/LDC/2019/0016**

Property : **Regent Court, Stoke Poges Lane,
Slough, Berks SL1 3LG**

Applicant : **Together Property Management**

Respondents : **Various leaseholders as set out in
the application**

Landlord : **Southern Land Securities Limited**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Judge Wayte**

Date of Decision : **12 July 2019**

DECISION

The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works described in the application.

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a development of 14 self-contained maisonettes constructed in or around 1956 (“the Property”) and the application is made against the various leaseholders in the schedule attached to the application form (“the Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. This is a retrospective application in respect of works undertaken in or about February 2019 following reports of damp to flat 11 on the ground floor. Once the works had commenced, the contractor found that further works were necessary to the render and drains and the additional cost took the works over the limit for consultation.

The background

4. The application was dated 31 May 2019. Directions were made on 11 June 2019. They provided for the Applicant to serve a copy of the application form and directions on the Respondents and display a copy in the common parts. The directions contained a reply form for any leaseholder who objected to the application to return to the tribunal and the Applicant. The Applicant confirmed by an email dated 18 June 2019 that it had served all the leaseholders in accordance with the directions.
5. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 12 July 2019.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

8. The Applicant relied on the papers filed with the application and their statement of case. In particular, they submitted that having received complaints from the owner of flat 11 that her property was suffering

with damp, a surveyor was appointed to attend the property and investigate. The surveyor found blown render and concluded that there may be debris in the cavity walls, together with a possibility of blocked rainwater goods.

9. In November 2018 a circular was sent to the leaseholders advising them that M.A Shephard Builders Ltd had quoted £2,230 plus VAT to undertake the works which were urgently required to prevent further damage to flat 11. On attending the site, the builders uncovered further problems and obtained authorisation to carry out additional work, resulting in a final invoice of £4,010 plus VAT. This amounts to just over £343 per leaseholder, assuming they are liable in equal shares, and therefore required consultation under the 1985 Act or dispensation from those requirements from this tribunal.

The Respondents' position

10. The directions provided for any Respondent who wished to oppose the application for dispensation to complete the reply form attached to the directions and send it to the tribunal and the Applicant. Neither the Applicant nor the tribunal has received any response or statement of case in opposition to the application. In the circumstances the tribunal concluded that the application was unopposed.

The Tribunal's decision

11. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

Reasons for the Tribunal's decision

12. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
13. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and properly authorised. In the circumstances it is appropriate to grant an order for dispensation.

Application under s.20C

14. There was no application for any order under section 20C before the tribunal.

Name: Judge Wayte

Date: 12 July 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).