



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

<b>Case Reference</b>	:	CHI/21UH/LDC/2019/0048
<b>Property</b>	:	Brittany House, Beacon Road, Crowborough TN6 1UG
<b>Applicant</b>	:	Brittany House Apartments Limited
<b>Representative</b>	:	Gareth Knowles, Director
<b>Respondents</b>	:	The long leaseholders
<b>Representative</b>	:	-
<b>Type of Application</b>	:	Dispensation with consultation requirements – section 20ZA Landlord and Tenant Act 1985
<b>Tribunal Member</b>	:	Judge E Morrison
<b>Date and Venue of Hearing</b>	:	Determination on papers
<b>Date of Decision</b>	:	29 July 2019

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**DECISION**

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## **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 explains that repairs are required to the roof over Flat 5 as water is leaking into the flat, causing internal damage. The Applicant therefore seeks dispensation from the consultation requirements under section 20.
3. The application was made on 17 June 2019 and, together with the Directions dated 18 July 2019, has been served on the leaseholders.
4. The Tribunal directed the leaseholders to indicate in writing by 2 July 2019 whether they consented to or opposed the application. Each of the five leaseholders has informed the Tribunal that they agree to the application and agree that the Tribunal can determine the matter on the papers (without a hearing).
5. The application was then struck out due the Applicant's failure to prepare a bundle in accordance with the Directions. Mr Knowles promptly applied for reinstatement, with a bundle, and the Tribunal has decided to reinstate the application.

## **Decision**

6. The documentation in the bundle confirms that remedial roof repairs are required, and the Tribunal is satisfied that these repairs became urgent in June 2019, when it became clear that earlier temporary repairs had not worked and further works were needed swiftly, before a full section 20 consultation could be carried out. The leaseholders have been kept informed and do not object to the application. The Applicant has obtained competitive quotes. In light of 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 costs of the works were 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 would 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 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