



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

**Case Reference** : **CAM/00KF/LDC/2019/0019**

**Property** : **56 Elmleigh Drive, Southend SS9  
3DN**

**Applicant** : **West Lancashire Investments Ltd**

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

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

**Tribunal Member** : **Judge Wayte**

**Date of Decision** : **22 August 2019**

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**DECISION**

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**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 in respect of urgent roof works. The property concerned is described in the application as a building divided into two leasehold flats (“the Property”) and the application is made against the 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 completed on 2 June 2019 to renew the flat roof coverings and render the chimneystack, following reports of water ingress to the lower flat. Confirmation was obtained from both leaseholders before the works were commenced. A decision was made not to start the section 20 process as the works were deemed urgent and there was a need to prevent further damage to the ground floor flat.

## **The background**

4. The application was dated 28 June 2019. Directions were given on 4 July 2019 and copies of the application and directions were sent to the Respondents by the tribunal. The directions contained a reply form for any leaseholder who objected to the application to return to the tribunal and the Applicant.
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 22 August 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 summary of events. They were made aware of the leak on 11 April 2019. Having first checked with the insurers who declined cover due to wear and tear, Stringer Roofing Services Limited (“Stringer”) were requested

to quote on 23 April 2019. After a short delay due to the need to secure access to the property, Stringer provided a quote on 12 May 2019.

9. On 20 May 2019 the leaseholders obtained their own quote from Performance Roofing, for a lower amount. Unfortunately, the Applicant was unable to get through to Performance Roofing and therefore on 22 May 2019 the ground floor lessee confirmed that he would like to proceed with Stringer to prevent the internal damage getting worse. The Applicant then got confirmation from the upper flat before proceeding to instruct Stringer who completed the work on 2 June 2019.

### **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:** 22 August 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).