



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

Case Reference : **LON/00AX /LDC/2019/0208**

Property : **43-45 Kingston Hill Kingston upon
Thames Surrey KT2 7PS**

Applicant : **Southern Land Securities Ltd**

Representative : **Together Property Management**

Respondents : **The Lessees as named on the
application**

Representative : **Not represented**

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

Tribunal Member : **Judge F J Silverman Dip Fr LLM
Mr I Holdsworth FRICS MCI Arb**

**Date of paper
consideration** : **21 January 2020
10 Alfred Place, London WC1E 7LR**

Date of Decision : **21 January 2020**

DECISION

- 1 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 on the grounds that all tenants were notified of the application under s20ZA and no objection was received.

REASONS

1. The Applicant landlord, through its management company 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 26 November 2019.
3. Directions were issued by the Tribunal on 11 December 2019.
4. This matter was determined by a paper consideration at 10 Alfred Place, London WC1E 7LR on 21 January 2020 at which the Tribunal considered the Applicant's application and accompanying documents including a bundle of documents prepared on behalf of the Applicant.
5. The Directions issued by the Tribunal on 11 December 2019 had been sent by the Applicant to all Respondents asking them to respond and to indicate whether or not they opposed the application. No objections were received by the Tribunal.
6. 43-45 Kingston Hill (the property) comprises two former houses currently converted and used as six flats and a commercial unit together with six parking spaces and a shared gated entrance drive. The Applicant is the landlord and is acting through its representative, the management company responsible for the maintenance of the property. The flats are held on long leases by the Respondents named in this application.
7. The Tribunal was not asked to inspect the property and in the context of the issues before it did not consider that an inspection of the property would be either necessary or proportionate.

8. The Applicant has a repairing obligation in respect of the structure, exterior and common parts of the premises imposed on it by a deed dated 16 May 2003.
9. The automatic gates serving the entrance to the property developed a fault and no longer open and shut as required. The proper operation of the gates is necessary to ensure the safety and security of the residents on a busy road. The cost of repairs exceeds the £250 per flat limit under the Landlord and Tenant Act and therefore in order to be able to effect the repairs quickly dispensation from the full consultation requirements has been sought by the Applicant.
10. A notice of intention to carry out the proposed works was sent to the Respondent tenants on 26 November 2019. No objections were received.
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 submissions made by the both parties the Tribunal is satisfied the proposed works are both necessary and urgent and that in the absence of any objections from the Respondents, it is permissible for them to exercise their discretion in the Applicant’s favour.
14. The granting of dispensation does not affect the Respondents’ rights to challenge the costs or quality of the completed works under s27A Landlord and Tenant Act 1985

Judge F J Silverman as Chairman
Date 21. January 2020

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.