



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

Case Reference	:	CAM/26UD/LDC/2019/0005
Property	:	1-9 The Coach House, Balls Park, Hertford SG13 8FJ
Applicant	:	Balls Park Mansion RTM Company Ltd
Respondents	:	The leaseholders as set out in the application
Type of Application	:	For dispensation of the consultation requirements in respect of qualifying works under section 20ZA Landlord and Tenant Act 1985
Tribunal Member	:	Judge Wayte
Date of Decision	:	2 September 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 in respect of urgent works to remedy dry rot in apartment 5. The property concerned is described in the application as a Grade II Listed building converted into nine apartments (“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 undertaken in or about February 2019 as set out in the quotation dated 21 December 2018 from Regency HDT, damp and timber specialists. Confirmation was obtained from the directors of the management company to proceed with the works on the basis of that single quote as they were deemed urgent. In particular, apartment 5 was uninhabitable and there was a risk of further damage to the building.

The background

4. The application was received on 1 March 2019. Due to the need to obtain further information which was not provided until 12 June 2019, directions were not given until 19 June 2019 and then amended on 18 July 2019 due to an oversight on the part of the Applicant’s agent. In accordance with usual practice, the applicant was asked to serve copies of the application and directions on the leaseholders. 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 2 September 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, in particular an inspection report and quote from Regency HDT dated 21 December 2018, together with their invoice dated 15 February 2019. The report referred to additional reports having been prepared by Healthy Abode and Stephen Boniface but neither has been sent to the tribunal. As stated above, the applicant's case is that due to the urgency of the works and the risk to the building, they proceeded with the works on the basis of the only quote without going through a formal consultation process (or getting other estimates). The total cost of the works, including VAT, is £8,385.60.

The Respondents' position

9. 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

10. 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

11. 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*".
12. 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. If there is any concern about the costs that could be the subject of a separate application under section 27A of the 1985 Act in due course.

Application under s.20C

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

Name: Judge Wayte

Date: 2 September 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).