



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

**Case Reference** : **LON/00AG/LDC/2020/0167  
P:REMOTE**

**Property** : **81 Guildford Street London WC1N 1DF**

**Applicant** : **81 Guildford Street Ltd**

**Representative** : **ABC Estates**

**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 MA LLM  
Mr L Jarero FRICS**

**Date of paper  
consideration** : **25 November 2020**

**Date of Decision** : **25 November 2020**

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## DECISION

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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 urgent repair works were required to ensure the safety of the building and its residents. No objections were received to the application.

## REASONS

1. By an application made to the Tribunal on 05 October 2020 the Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. Directions were issued by the Tribunal on 11 November 2020.
3. This matter was determined by a paper consideration P:REMOTE on 25 November 2020 at which the Tribunal considered the Applicant's application and accompanying documents.
4. The Directions issued by the Tribunal 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.
5. 81 Guildford Street (the property) comprises a converted building containing 5 flats. The building is currently suffering water ingress which is particularly affecting Flat 4 and work needs to be done urgently to make the building water tight for the winter and to prevent further damage.

6. The Applicant therefore requests the Tribunal to grant a dispensation from compliance with the full requirements of the section in order to allow the works to proceed as soon as possible.
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 as freeholder has a repairing obligation in respect of the structure, exterior and common parts of the premises (including mains services). An example of the leases under which the Respondents hold their respective properties is set out at page 24 of the bundle.
9. Notices of intention to carry out the proposed works were sent to the Respondent tenants on 10 September 2020.
10. 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).
11. 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.
12. The Tribunal notes that the estimate for these works was obtained in February and that if it had been acted upon timeously, sufficient time would have been available for a full s20 consultation to take place. However, it recognises that the works have now become urgent and require attention before the onset of winter.
13. Having considered the submissions made by the Applicant the Tribunal is satisfied that the works to be carried out appear to be necessary and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
14. This determination does not affect the tenants’ rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman  
**Date 25 November 2020**

Note:  
Appeals

## **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 by email to [rplondon@justice.gov.uk](mailto:rplondon@justice.gov.uk).
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.