



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

Case Reference : **MAN/30UF/LDC/2020/0036**

Property : **Edenfield, 2A Clifton Drive, Lytham
St Annes, FY8 5RX**

Applicants : **Edenfield Management Co. Ltd**

Respondent : **Various Leaseholders, list provided**

Type of Application : **section 20ZA Landlord & Tenant Act
1985**

Tribunal Members : **(Judge) Mr Phillip Barber
Mrs A Ramshaw (MRICS)**

Date : **14 12 2020**

DECISION AND REASONS

Decision

1. The Tribunal grants dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 under section 20ZA of that Act.

The Application

2. On the 24 July 2020, the Applicant lodged an application under section 20ZA for dispensation from the consultation requirements under

section 20 in relation to qualifying works necessary on the above property.

3. The Applicant indicated that the application could be dealt with on the papers and a Tribunal convened to make a decision on that application today.
4. The application is for dispensation from consultation in relation to repairs to some of the windows at the development, which, it is claimed are faulty and in need of urgent repair.
5. The Applicant included a list of all leasehold owners of each flat and a list of their various addresses for service of the documents.
6. The Applicant included a copy of 4 quotes received from 4 contractors and a series of photographs showing the extent of the disrepair to the windows.

The Law

7. The Tribunal can grant dispensation under section 20ZA in relation to qualifying works if satisfied that it is reasonable to dispense with the consultation requirements set out in section 20 of the 1985 Act.

Background to the Application

8. The development consists of a detached house together with a block of 13 flats. There are 13 leaseholders of the 14 properties.
9. We had a number of photographs of the state of the windows and a statement of case which provided a description. Some of the window frames are rotten and allow water to ingress causing damp in several of the properties. There is a fear that this water ingress will damage the fabric of the building and lead to increased costs if works are not carried out promptly.
10. The works were stated to be necessary before August 2020 and the application was hoped to have been decided by then but as a result of the Covid-19 pandemic and listing difficulties, a decision could not be made until today.
11. The Applicant had initially commenced consultation in relation to the windows in June 2019 and it is apparent that one contractor, DPS, is significantly cheaper than other contractors and was accordingly chosen to carry out the works. Works were not started but it appears that further quotes were obtained between March 2020 and June 2020, following the lifting of Covid-19 restrictions and DPS has been chosen as the preferred contractor. No consultation has taken place in relation to these further quotes but as a result of the urgent nature of the works, dispensation has been requested.

The Response of the Leaseholders

12. The Respondents (leaseholders) were asked for a response following a Directions Notice sent out in September 2020. There has been no response from any Respondent indicating that they object to the making of an order.

Reasons for Granting Dispensation

13. The Tribunal can grant dispensation if dispensation from the requirements to consult is reasonable.
14. We are satisfied that it is reasonable to grant dispensation due to the urgent nature of the works as water is leaking in to the apartments and causing continuing damage which will be exacerbated by a delay in having to conduct a second consultation. We note that a consultation started in relation to the works on 17 June 2019 and over the past year, various quotes have been obtained for the works. It is not entirely clear why little was done between June 2019 and the start of 2020 but given the urgent nature of the works it seems to us entirely reasonable to dispense with the consultation requirement.