



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

Case Reference : CHI/45UH/LDC/2020/0100

Property : 131 Park Road, Worthing, West Sussex,
BN11 2AP

Applicant : Together Property Management Limited

Representative :

Respondents : Gary Yelland (Ground floor flat)
Johna and Tissa Hart (First and Second
Floor Flat)

Representative : -

Type of Application : To dispense with the requirement to
consult lessees about major works

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 17 February 2021

DECISION

The Application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant explains that it was contacted by the leaseholders of first floor flat on 13th January 2020 about their property suffering water ingress. The Applicant instructed Apex roofing to attend and investigate. The Applicant received a quotation following a visit to the property on 29 January 2020. Following a conversation with the leaseholder of the first floor flat on 5 February 2020 the Applicant issued leaseholders with the Section 20 Notice of Intention and included a cover letter explaining the need for the work. The Applicant also instructed two other contractors to attend and quote for the required works.
3. The Applicant was then contacted by the leaseholder of the first floor flat on the 19th February 2020. He had discussed the quotation with Apex roofing and asked them to review the quotation. The contractor revised the quotation to include only the work required to resolve the water ingress issues in his property. The cost of the works was still over what the Applicant could spend without going through the Section 20 process. The leaseholder had spoken to his neighbour and they both agreed that the work needed to take place right away and they would be content to arrange for the work to be done and pay for it directly. The Applicant advised the Leaseholders this was not an option but the Applicant would could go ahead with the work and make an retrospective application to the First Tier Tribunal. The Applicant asked both leaseholders to confirm that they agreed to go ahead with the works. On receipt of an email from each leaseholder the Applicant sent an email to the leaseholders on 24 February 2020 to confirm the Applicant would go ahead with the work and also make an application to the First Tier Tribunal. The Applicant instructed the contractor to proceed with the works on 25 February 2020. The Applicant explained that the application for dispensation was delayed as a result of lockdown.
4. The Application for dispensation was received on 13 January 2021.
5. On 13 January 2021 the Tribunal required the Applicant to serve the application and directions on the leaseholders which was done on 18 January 2021.
6. The Tribunal directed that the Application would be heard on the papers unless a party requested an oral hearing. No party made such a request.
7. The Tribunal required the leaseholders to return a pro-forma to the Tribunal and the Applicant by 5 February 2021 indicating whether they

agreed or disagreed with the application. The leaseholders did not return the pro-forma.

8. The Applicant supplied a hearing bundle on 16 February 2021.

Determination

9. The Tribunal is satisfied from the Application and the documents that the repairs were essential and urgent in order to prevent water ingress to the first floor flat.
10. The Tribunal finds that the Applicant was prepared to seek other quotations to ensure that the costs of the works were competitive but was persuaded by the leaseholders to appoint the original contractor so that the repairs could be carried out quickly. The Tribunal holds that the leaseholders were content with the arrangements made particularly as they had negotiated a lower price with the original contractor.
11. The Tribunal is, therefore, satisfied that the leaseholders would suffer no relevant prejudice if dispensation from consultation was granted.
12. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the repairs to the rear and central firewalls and the rear chimney.**
13. The Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.
14. The Tribunal directs the Applicant to inform the leaseholders of the Tribunal's decision.

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 rpsouthern@justice.gov.uk 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.

Due to the Covid 19 pandemic, communications to the Tribunal MUST be made by email to rpsouthern@justice.gov.uk. All communications must clearly state the Case Number and address of the premises.