



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

**Case Reference : MAN/00BY/LDC/2020/0056**

**Property : 15 Hallville Road, Liverpool L18 0HP**

**Applicant : Long Term Reversions (Torquay) Limited**

**Applicant's Representative : Inspired Property Management Limited**

**Respondents : Mr Paul Harris & Ms Joanne Harrop - Apt 1,  
15 Hallville Road**

**Mr Christopher Dowling & Ms Sophie  
Thompson - Apt 2, 15 Hallville Road**

**Ms Samantha Wright - Apt 3, 15 Hallville Road**

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

**Tribunal Members : Tribunal Judge Professor Caroline Hunter  
Tribunal Member Ian Jefferson**

**Date and venue of  
Hearing : 30 March 2021**

**Date of Decision : 30 March 2021**

**Date of Determination : 1 April 2021**

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**DECISION**

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## **Summary Decision**

1. The Tribunal gives dispensation from the consultation requirements.

## **Application**

2. This application has been made by Long Term Reversions (Torquay) Limited for dispensation from the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 ('the Act') with regard to works to the roof on 15 Hallville Road, Liverpool L18 0HP ('the building'). The applicant considers that the works needed to be carried out urgently.
3. Directions were issued on 14 January 2021. Those directions made it clear that the application does not concern the issue of whether any service charge costs resulting from any such works are reasonable or indeed payable and it will be open to lessees to challenge any such charged by the Applicant.
4. Further to the Directions the Applicant provided a bundle of documents. The Respondents did not provide any statement in response.

## **The Law**

5. Section 20 of the 1985 Act limits certain service charges unless the consultation requirements in the section are complied with or dispensed with under section 20ZA is received. Section 20ZA provides:

(1) Where an application is made to the appropriate 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.

## **The Facts**

6. The building, a converted house, comprises 3 flats on one each of 3 stories of the building. The management of the building is contracted out by the applicant freeholder to Inspired Property Management Limited. An issue with a main roof has resulted in Flat 3 (leaseholder Ms Samantha Wright) experiencing continuous water ingress in her living room from some time. From the correspondence provided, the issue has been live for some time – see the email from Nicole Walker to Samantha Wright dated 18 February 2020.
7. In August 2020 quotes for the works from two contractors – including scaffolding, capping the chimney, re-bedding and re-pointed the ridge tiles and renewing the lead work - were received by Inspired Property Management Limited. A Section 20, part 1 notice was issued to the leaseholders on 6 November 2021. However given the urgency of the works, Inspired Property Management Limited instructed the contractor with the lower price to undertake the works. The works have now been completed.

8. In their application the Applicants explained why the works were urgent and why the work undertaken and dispensation sought:  
‘As the property was getting worse, we were receiving several calls a week from the owner of flat 3 who was very distressed with the situation.’
9. As noted above none of the leaseholders have responded to this application. There is no evidence that the leaseholders have been prejudiced by the failure to comply with section 20 (see *Daejan Investments Ltd v Benson* [2013] UKSC 14).

### **Decision**

10. For the reasons set out in the application we consider that it is reasonable to give dispensation.

### **Rights of appeal**

11. 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.
12. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application the decision.
13. If the person wishing to appeal does not comply with the 28 day time limit, that 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.
14. 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.

**Tribunal Judge Professor C Hunter 30 March 2021**