



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

Case reference : **LON/00AY/LDC/2021/0126**

**HMCTS code
(paper, video,
audio)** : **P: PAPER REMOTE**

Property : **Trinity Close, The Pavement, London,
SW4 0JD**

Applicant : **Trinity Close Limited**

Representative : **Ringley Law LLP (Solicitors)**

Respondents : **The leaseholders listed in the schedule
to the application**

Type of application : **Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985**

Tribunal members : **Judge Robert Latham
Richard Waterhouse MA LLM FRICS**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **14 July 2021**

DECISION

The Tribunal grants this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of the removal and replacement of the structural joists due to dry rot discovered during remodelling. The works include removing joists and alterations to the roof.

Covid-19 pandemic: description of hearing

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The applicant has filed a bundle in support of the application.

The Application

1. The Tribunal has received an application from Trinity Close Limited (“the applicant”), dated 5 May 2021, seeking dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 (“the Act”). The application relates to the purpose built block of flats Trinity Close, The Pavement, London SW4 0JD (“the Building). The Building consists of 40 flats with 20 garages.
2. On 15 March 2021, the applicant obtained a report David Mole of G.D.C Partnership, who are consulting engineers. Mr Mole visited Flat 34 to inspect the existing floor joists. He found that the bathroom had a long term leak which had caused the floor joists to decay due to rot. He recommended that the decayed joists are cut back at least 500mm past the last sign of rot or decay and that new 225 x 63 C24 joists should be spliced to each existing joist. The existing ceiling in the flat below will require temporary support during the works and subsequent reconnection to the new floor joists. Temporary protection will also be required to allow the resident below continued use of their bathroom during the works. Following installation of the new joists the floor should be replaced including the pugging or a similar acoustic treatment.
3. On 5 May, the applicant also served a Stage 1 Notice of Intention on the respondents. This outlined the works that are proposed. The respondents were invited to make written observations on the proposed works by 9 June. They were also asked to nominate a person from whom an estimate should be obtained for the works. The respondents were informed that the works would be funded from the reserve fund. No respondent has responded to this Notice.
4. 26 May, the Tribunal issued Directions. The Tribunal stated that it would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
5. By 4 June, the applicant was directed to send to each of the leaseholders by email, hand delivery or first-class post, copies of the application form (excluding any list of respondents’ names and addresses) and a copy of the directions. The applicant was further

directed to display a copy of both in a prominent place in the common parts of the Block.

6. On 2 June, the applicant confirmed that on 2 June, it had emailed a copy of the application to all the leaseholders, save for one to whom it had been posted.
7. By 18 June, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and email it both to the Tribunal and to the applicant. The leaseholder was further directed to send the applicant a statement in response to the application. No leaseholder has returned a completed Reply Form.
8. On 8 July, the applicant emailed the tribunal a bundle of documents in support of their application. The bundle includes a copy of the lease for Flat 38 and the report from Mr Mole. The applicant has not provided any estimates or indicate the cost of the works. The applicant is under a duty to secure best value.
9. Section 20ZA (1) of the Act provides:

“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.”
- 10. The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
11. The Tribunal is satisfied that it is reasonable to grant dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
12. The Directions made provision for the service of the Tribunal’s decision. The Tribunal will send, by email, a copy of its decision to the applicant. The Tribunal directs the applicant to send a copy to the leaseholders.

Judge Robert Latham
14 July 2021

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 **by e-mail** 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).