



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

**Case Reference** : **CAM/38UE/LDC/2021/0044**

**HMCTS code  
(paper, video, audio)** : **P: PAPERREMOTE**

**Property** : **13-17 St Helen's Mews, Abingdon,  
Oxon OX14 5SA**

**Applicant** : **Vale of White Horse District Council**

**Representative** : **Adrian James, Property Surveyor**

**Respondents** : **All leaseholders of dwellings at the  
Property (including any of their sub-  
tenants of any such dwelling) who  
are liable to contribute to the cost of  
the relevant works**

**Type of application** : **For dispensation from consultation  
requirements - Section 20ZA of the  
Landlord and Tenant Act 1985**

**Tribunal member** : **Judge Wayte**

**Date of decision** : **20 December 2021**

---

**DECISION**

---

**Covid-19 pandemic: description of hearing**

This has been a remote determination on the papers which the parties are taken to have consented to, as explained below. The form of determination was P:PAPERREMOTE. A hearing was not held because it was not necessary; all issues could be determined on paper. The documents I was referred to are in the bundle of 120 pages prepared by the Applicant. I have noted the contents and my decision is below.

## **The tribunal's decision**

**The tribunal determines under section 20ZA of the Landlord and Tenant Act 1985 to dispense with all the consultation requirements in relation to the works described in the application form, namely urgent works in respect of a number of loose tiles on the main roof of the Property, including provision of scaffolding for access.**

## **The application**

1. The Applicant applied for dispensation from the statutory consultation requirements in respect of qualifying works to refix or replace a number of loose tiles on the main roof of the Property, including provision of scaffolding for access.
2. The relevant contributions of the Respondents through the service charge towards the costs of these works would be limited to a fixed sum unless the statutory consultation requirements, prescribed by section 20 of the Landlord and Tenant Act 1985 (the "**1985 Act**") and the Service Charges (Consultation etc) (England) Regulations 2003:
  - (i) were complied with; or
  - (ii) are dispensed with by the tribunal.
3. The Applicant seeks a determination from the tribunal, under section 20ZA of the 1985 Act, to dispense with the consultation requirements. The tribunal has jurisdiction to grant such dispensation if satisfied that it is reasonable to do so.
4. In this application, the only issue for the tribunal is whether it is satisfied that it is reasonable to dispense with the consultation requirements. **This application does not concern the issue of whether any service charge costs of the relevant works will be reasonable or payable, or what proportion is payable.**

## **The property, the parties and the leases**

5. The Applicant is the relevant landlord of the Property, which is described in the application as a block of five purpose-built flats. Those flats are all let on long leases by the Applicant.
6. All five leases were produced and appear to be in the same form. By Clause 5 of the lease the Applicant covenants to maintain and keep in good structural repair and condition the main structure of the Building including the roof, subject to payment of the service charge by the tenant.

### **Procedural history**

7. On 12 November 2021, Judge Wyatt gave case management directions, requiring the Applicant to serve on the Respondents copies of the application form, an estimate of the potential cost of the works, if possible and the directions. The Applicant confirmed this had been done by letter dated 15 November 2021.
8. The directions included a reply form for any Respondent leaseholder who objected to the application to return to the tribunal and the Applicant by 3 December 2021, indicating whether they wished to have an oral hearing. The directions provided that this matter would be determined on or after 20 December 2021 based on the documents, without a hearing, unless any party requested one.
9. No leaseholder has responded and no party has requested an oral hearing. Accordingly, this determination is based on the documents produced by the Applicant in their bundle. On reviewing these documents, I considered that an inspection of the Property was neither necessary nor proportionate to the issues to be determined and that a hearing was not necessary.

### **The Applicant's case**

10. The bundle includes a copy estimate from the SCM Group, contractors for the Applicant, for £2,242.85 + VAT to erect scaffolding and replace loose/cracked tiles as required, drop the scaffold and leave the area clean and tidy. The bundle also includes correspondence informing leaseholders that the works would be carried out on 29 October 2021 and the application for dispensation would be made to the tribunal.

### **The Respondents' position**

11. As noted above, the directions provided for any Respondent who wished to oppose the application for dispensation to complete the reply form attached to the directions and send it to the tribunal and the Applicant. The tribunal has not received any response or statement of case opposing the application, or comments on the Applicant's statements in the application form. In the circumstances, the tribunal concluded that the application was unopposed.

### **The tribunal's decision**

12. This application was not opposed by the Respondents, who have not challenged the information provided by the Applicant, identified any prejudice they might suffer because of the non-compliance with the consultation requirements, or in these proceedings asked for or provided any other information. In the circumstances, based on the

information provided by the Applicant (as summarised above), I am satisfied that it is reasonable to dispense with the statutory consultation requirements in relation to the relevant works.

13. **As noted above, this decision does not determine whether the cost of these works was reasonable or payable under the leases, or what proportion is payable under the lease(s), only whether the consultation requirements should be dispensed with in respect of them.**
14. There was no application to the tribunal for an order under section 20C of the 1985 Act.
15. The Applicant landlord shall be responsible for serving a copy of this decision on all relevant leaseholders.

**Name:** Judge Wayte

**Date:** 20 December 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 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).