



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

**Case reference** : **LON/00AN/LDC/2022/0080**

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

**Property** : **156 - 158 Wandsworth Bridge Road,  
London, SW6 2UH**

**Applicant** : **Southern Land Securities Limited**

**Representative** : **Together Property Management  
(Managing Agents)**

**Respondents** : **1. Mr Adam M Wilkinson  
2. Ms Pippa Wiltshire  
3. Mr T Oberg & Mrs N Oberg  
4. Mr Andrew Barrett  
5. Mr Ciro Vidali**

**Type of application** : **To dispense with the requirement  
to consult leaseholders**

**Tribunal Member** : **Judge N Hawkes**

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

**Date of paper determination** : **5 September 2022**

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**DECISION**

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## **PAPER DETERMINATION**

This has been a paper determination which has not been objected to by the parties. The form of remote determination was P:PAPER REMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined on the papers. The documents that the Tribunal was referred to are contained in a bundle of 40 pages. The order made is described below.

### **Decision of the Tribunal**

The Tribunal determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of the work which forms the subject matter of the Applicant's application dated 22 April 2022.

### **Background**

1. The Applicant has applied to the Tribunal under S20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to 156 - 158 Wandsworth Bridge Road, London, SW6 2UH ("the Property").
2. The Tribunal has been informed that the Property is a mid-terrace building, built circa 1880, which has been converted to contain five self-contained flats with a double fronted commercial unit below.
3. The Applicant states that external air conditioning pipes required removal in order to access failed pointing to the flank wall, following which work was carried out to remedy a problem of water ingress into the Property, which required urgent attention.
4. The work has been carried out and is described in greater detail in the Applicant's application and supporting documents.
5. The application is dated 22 April 2022 and the Respondent lessees are listed in a schedule to the application.
6. Directions of the Tribunal were issued on 27 June 2022.
7. The Applicant has requested a paper determination. No application has been made by any of the Respondents for an oral hearing. This matter has therefore been determined by the Tribunal by way of a paper determination on 5 September 2022.
8. The Tribunal did not consider an inspection of the Property to be necessary or proportionate to the issues in dispute.

## **The Applicant's case**

9. In a Statement of Case dated 27 July 2022, the Applicant sets out its position as follows:

*“Together Property Management are the appointed managing agents for Southern Land Securities.*

*On the 26 November 2021 a report of damp and water ingress was reported to us from Flat 1 – first floor flat. The report was that there was damp coming into their flat via the outside wall affecting the 2 no; [sic] bedrooms and damp staining into the lounge via the roof.*

*The roof was subject to an insurance claim that has been settled via the buildings insurers and therefore this statement and application relates to the works to the flank wall only where due to the urgency of the works it was not possible to serve and wait for the Section 20 Notices to lapse.*

*A contractor was appointed and provided quotes for the works. We wrote to the leaseholders on the 30 November 2021 ... to explain the situation with both issues and we detailed that once we had further information on the flank wall and air conditioning pipes we would write again.*

*On the 2 December 2021 we wrote to the leaseholders again to advise that a quote for the required flank wall works had been received and that these works would be undertaken to prevent any further internal damage to the flat ...*

*The works were duly completed by Hamilton Roofing for the quoted amount of £1550.00 plus VAT in December 2021.”*

10. The Applicant has also provided the Tribunal with copies of correspondence to leaseholders, a quotation, an invoice for the relevant work, photographs, and a sample lease.

## **The Respondents' case**

11. None of the Respondents has submitted a reply form and/or made representations to the Tribunal opposing the Applicant's application.

## **The Tribunal's determination**

12. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met.
13. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.
14. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
15. Section 20ZA of the 1985 Act provides that, where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination **if satisfied that it is reasonable to dispense with the requirements.**
16. In all the circumstances and having considered the contents of the determination bundle including:
  - a. the Applicant's application;
  - b. the evidence filed in support of the application; and
  - c. the lack of any opposition and/or challenge to the Applicant's application;

the Tribunal determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable for the reasons put forward by the Applicant to dispense with the statutory consultation requirements in respect of the work which forms the subject matter of the Applicant's application dated 22 April 2022.

17. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**

Judge N Hawkes

Date: 5 September 2022

### **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).