



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

Case reference : **LON/00BJ/LDC/2022/0216**

Property : **Ship House 35 Battersea Square,
Battersea London SW11 3RA**

Applicant : **Together Property Management**

Representative : **Nick Hristov**

Respondent : **The leaseholders listed in the schedule
included with the application**

Representative : **No appearance**

Type of application : **Dispensation from statutory
consultation**

**Tribunal
member(s)** : **Tribunal Judge Roger Cohen**

**Date and venue of
hearing** : **17 January 2023 paper hearing.**

Date of decision : **18 January 2023**

DECISION

Covid-19 pandemic:

Description of hearing: This matter was determined on paper. The tenants were served with the application but did not participate.

The application, the property, the works and the law

1. The applicant by an application dated 9th November 2022 applies for dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works, costed at £ 3,972.00. The applicant received a report advising works to ensure that residents could park safely. The works have been carried out.

2. The Tribunal gave directions on 23rd November 2022.
3. The works in respect of which relief is sought were an upgrade of automatic gates to BS EN 12453 including the removal of two existing lower horizontal safety edges from the internal side of the gates and reinstalling them on the external side. 50 per cent of the cost was payable up front and was performed on 29 June 2022 when the balance of the charge became due. The contractor had confirmed that without the works the gate could not be left operational and would need to be switched off and left open. The applicant treated the works as urgent giving the risks to the safety of residents and to prevent unauthorised access.
4. The property is a mixed use block, renovated in 2000, comprising of ten flats and some office space.
5. Section 20ZA(1) of the 1985 Act provides:

“Where an application is made to the appropriate tribunal [in England, this 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.”
6. An important consideration is always whether granting dispensation will cause prejudice to the tenants. In the Tribunal’s judgment, on the facts of this case there is no prejudice to the tenants. First, there is no objection by any of the tenants to the application for dispensation. Secondly, the applicant took into account considerations of resident safety, protection against unauthorised access and the provision of the rights to park given to the residential tenants, all of which were relevant considerations. Therefore, the Tribunal concludes that it was reasonable for these works to be treated as urgent and seek dispensation thereafter.
7. In the Tribunal’s judgment, it is reasonable to dispense with the consultation requirements in this case.
8. This dispensation does not mean that the tenants cannot challenge the cost or quality of the work done. It simply dispenses with the consultation requirement.
9. There is no application in respect of the fees for applying to the Tribunal, so the Tribunal make no order in respect of such fees.

- a) The Tribunal grants a dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works the subject of the application.
- b) The Tribunal makes no order in respect of the fees payable to the Tribunal.

Name: Judge Roger Cohen Date: 18 January 2023

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).