



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

Case reference : **LON/00AW/LDC/2023/0023**

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

Property : **42 Philbeach Gardens, London SW5
9EB**

Applicant : **42 Philbeach Gardens Limited**

Representative : **TLC Estate Agents**

Respondents : **(1) Tom Robinson (2) Arti Malik (3)
Deidre Smith (4) Peter Maitland-Crew
(5) Paul Tonkin**

Representative : **N/A**

Type of application : **Dispensation from consultation –
section 20ZA of the Landlord and
Tenant Act 1985**

**Tribunal
member(s)** : **Judge Tagliavini
Mr C Gowman BSc MCIEH MCMI**

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

Date of decision : **27 March 2023**

DECISION

The tribunal's summary decision

- (1) The tribunal grants the applicant dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 for the purpose of the works required to remedy the ingress of water at the rear of the building affecting three flats due to failed pointing.
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The application

1. The applicant seeks the grant of dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 ('the 1985 Act) for the purposes of urgent works carried out to remedy the ingress of water due to failed pointing at the rear of the building.
2. The subject property is a terraced building converted into 5 self-contained flats A – E.

The applicant's case

3. In support of the application the applicant relied upon a bundle of 56 pages which included a quote for the works in the sum of £2650 plus VAT and photographs of the affected area.

The respondent's case

4. Neither the respondent or the tribunal received and objections to the application from the lessee respondents.

The tribunal's decision and reasons

5. The tribunal grants the applicant the dispensation sought pursuant to section 20ZA of the 1985 Act.
6. The tribunal is satisfied the respondent were notified of this application due to the inclusion of responses from various lessee in respect of proposed works and this application.
7. In the absence of any objections from the lessees and the failure to identify any prejudice caused by the lack of consultation, the tribunal considers it reasonable and appropriate to dispense with the consultation requirements of the 1985 Act; *Daejan Investments Limited v Benson and others* [2013] UKSC 14 & [2013] & UKSC 54.

Name: Judge Tagliavini

Date: 25 March 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).