



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

Case reference : **LON/00AY/LDC/2023/0024**

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

Property : **27 Gipsy Hill, London SE19 1QG**

Applicant : **Long Term Reversions (Torquay) Ltd**

Representative : **Parkfords Management Ltd**

Respondents : **(1) Miss O J B Pratt
(2) Ms K Ttooulis
(3) Ms H Wilmoth
(4) Mr S S Agathangelou
(5) Mr P A Brewster and Miss D D James
(6) Regis Group (Nationwide) Ltd C/O Pier Management Ltd**

Representative : **N/A**

Type of application : **For the determination of the liability to pay service charges under section 27A of the Landlord and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

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

Date of decision : **12 April 2023**

DECISION

Summary decisions of the tribunal

- (1.) The tribunal grants the applicant dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 ('the 1985 Act') in respect of the investigative scaffolding and remedial work required to remedy the ingress of water through the roof into the property situate at 27 Gypsy Hill, London SE19 1QG ('the Property') as set out in the various invoices of PML Construction variously dated January 2023 to March 2023.
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The application

1. The applicant seeks dispensation from the consultation requirements of section 20 of the 1985 Act, in respect of the erection of scaffolding to investigate and carry out all necessary repairs required to remedy the ingress of water into the Property through the roof into Flat 6.
2. The Property comprises a converted, detached house converted into residential units. A Notice of Intention dated 5 January 2023 was sent to all leaseholders notifying them of the proposed work.

The applicant's case

3. In support of the application the tribunal was provided with copies of the invoices provided by PML Construction and accompanying photographs dated variously between January 2023 to March 2023, detailing their investigation and defects found and proposed remedial works.

The respondent's case

4. No response to the application for dispensations was received from any of the respondent leaseholders.

The tribunal's decision and reasons

5. In the absence of any objection by, or identification of any prejudice caused to the leaseholders, the tribunal finds it reasonable and appropriate to grant the dispensation sought by the applicant pursuant to section 20ZA of the 1985 Act. The tribunal considers the nature of the works required reasonably require urgent investigation and repair and therefore dispensation of the consultation requirements; *Daejan Investments Limited v Benson and others* [2013] UKSC 14.

Name: Judge Tagliavini

Date: 12 April 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).