



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

Case reference : **LON/00AM/LDC/2022/0231**

HMCTS code : **P: PAPER REMOTE**

Property : **58 Well Street, Hackney, London,
E9 7PX**

Applicant : **Southern Land Securities Limited**

Representative : **Together Property Management
(Nick Hristov)**

Respondents : **The four leaseholders of 58 Well Street,
Hackney, London, E9 7PX**

Type of application : **Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985**

Tribunal member : **Judge Robert Latham**

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

Date of decision : **1 February 2023**

DECISION

The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of works to the external main steps which were causing damp to the lower ground flat and to a down pipe which was causing damage to the external fabric of the building.

Covid-19 pandemic: description of hearing

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The applicant has filed a bundle in support of the application.

The Application

1. On 25 November 2022, the Applicant landlord applied for retrospective dispensation from the statutory duty to consult in respect of works to the external main steps which were causing damp to the lower ground flat and to a down pipe which was causing damage to the external fabric of the building at 58 Well Street, Hackney, London, E9 7PX (“the Property”). This is an end of terrace Edwardian townhouse which has been converted to create four flats.
2. On 6 December 2022, the Tribunal issued Directions. On 6 December, the Tribunal sent a copy of the application form and the Directions to the four leaseholders. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
3. By 9 January 2023, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.
4. The Applicant has provided a Bundle of Documents (48 pages) in support of the application. This includes the lease for the ground floor flat. It is apparent that the works were executed in January 2022. The Applicant has provided two invoices from Hamilton Roofing in respect of the works: (i) £996 (inc VAT), dated 10 January in respect of repairs to a leaking down pipe; and (ii) £990 (inc VAT), dated 18 January in respect of the works to the external steps.
5. Section 20ZA (1) of the Act provides:

“Where an application is made to the appropriate 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. **The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
7. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
8. The Directions make provision for the service of the Tribunal's decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal's decision on the Respondents.

Judge Robert Latham
1 February 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 **by e-mail** 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).