



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

Case Reference : **LON/00AW/LDC/2023/0025
P:REMOTE**

Property : **8 Philbeach Gardens London SW5
9DY**

Applicant : **8 Philbeach Gardens Management
Company Limited**

Representative : **TLC Estate Agents**

Respondents : **The Lessees as named on the
application (see Appendix)**

Representative : **Not represented**

**Type of
Application** : **S20ZA Landlord and Tenant Act
1985**

Tribunal Member : **Judge F J Silverman MA LLM
Mrs S Redmond MRICS**

**Date of paper
consideration** : **16 May 2023
10 Alfred Place, London WC1E 7LR**

Date of Decision : **16 May 2023**

DECISION

The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985 on the grounds that all tenants were notified of the application under s20ZA and no objections were received.

REASONS

1. The Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. The Application to the Tribunal was made on 27 January 2023.
3. Directions were issued by the Tribunal on 24 February 2023.
4. This matter was determined by a paper consideration on 16 May 2023 at which the Tribunal considered the Applicant's application and accompanying documents.
5. A copy of the Application and Directions issued by the Tribunal had been sent by the Applicant to all Respondents as listed on the Appendix to this Decision asking them to respond and to indicate whether or not they opposed the application. No objections were received by the Tribunal.
6. The property is a terraced house set over 5 floors and currently divided into five self-contained flats. Recent bad weather has resulted in water ingress into flat 5 on the top floor and repairs are needed as a matter of urgency to stop the leak and prevent further damage.
7. Two estimates for the repair work have been obtained both of which exceed the s20 limit. At the date of the application the works had been commenced. All the leaseholders were notified of the application, the scope of the works needed and the details of the two estimates.
8. The leaseholders were also served with a notice of intention under s20.

9. The Applicant's representative asks the Tribunal for dispensation in order to be able to effect the repairs as soon as possible. No objections to this application have been received from the tenants.
10. The Tribunal was not asked to inspect the property and in the context of the issues before it did not consider that an inspection of the property would be either necessary or proportionate.
11. The Applicant as landlord, has a repairing obligation in respect of the structure, exterior and common parts of the premises (including mains services) imposed on it by a lease dated 13 April 2004.
12. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides: "Where an application is made to a [leasehold valuation] 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*" (emphasis added).
13. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about the expenditure of money for which they will in part be liable. It appears that the leaseholders have had the opportunity to both propose an alternative contractor and to comment on the estimates received. The Applicant states that there have been no responses from the leaseholders to the notices served.
14. Having considered the submissions made by the Applicant the Tribunal is satisfied that the proposed works are now both urgent and necessary and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
15. This determination does not affect the tenants' rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman
Date 16 May 2023

Appendix – list of Respondents

FLAT 1- Mr & Mrs Gray

FLAT 2- Mr S Catton

FLAT 3- Ms Wesley & Mr Rossi-

FLAT 4- Mr George Woods

FLAT 5- Mr Mesch

Note:
Appeals

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rplondon@justice.gov.uk.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.