



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

**Case reference** : **LON/00BJ/LDC/2023/0112**

**Property** : **140 Cavendish Road, London SW12 0DD**

**Applicant** : **Together Property Management**

**Representative** : **Elly Chatzimanoli AIRPM, Property Administrator**

**Respondents** : **All leaseholders of 140 Cavendish Road, London Sw12 0DD as per the application**

**Representative** : **N/A**

**Type of application** : **Application for dispensation to consult – section 20ZA of the Landlord and Tenant Act 1985**

**Tribunal** : **Judge Tagliavini**

**Date of decision** : **8 August 2023**

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**DECISION**

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## **The tribunal's summary decision**

- (1.) The tribunal grants dispensation pursuant to s.20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act') in respect of urgent temporary works of repair carried out by the contractors Maxpen Services Limited and Hamilton Roofing, to prevent water ingress from a box gutter and a breakdown in the surface on the balcony of Flats 7 and 10 into the building at 140 Cavendish Road, London SW12 oDD and Flats 10, 7 and 3.
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## **The application**

1. This is an application made pursuant to section 20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act') seeking dispensation for the consultation requirements in respect of the works required to remedy the ingress of water from a box gutter and balconies into the building known as 140 Cavendish Road, London SW12 oDD ('the premises') and into other flats in the building.

## **Background**

2. The subject premises comprises a detached Victorian house converted into ten self-contained flats.
3. The Applicant has applied for dispensation from the statutory consultation requirements in respect of urgent temporary repairs to the balcony surfaces of Flat 10. This is to prevent further water from entering Flats 7 and 3 and minimise the damage caused following a leak from a box gutter on the roof which started on the balcony at Flat 10 and travelled downwards causing damage to the flats 7 and 3 below. The estimated cost of the works has not been provided. B. No notice has been given to the leaseholders of the intended works.
4. The tribunal was satisfied the leaseholders had been informed of this application no response/objections have been received by the tribunal from the respondents as stated in an email to the tribunal from the applicant dated 1 June 2023.

## **The hearing**

5. The application was determined by the tribunal on the papers as no party requested an oral hearing. In making its decision the tribunal took into account the information provided by the applicant by way of a bundle comprising 56 pages in addition to the application and the accompanying documents. No documentation was received from the respondent.

### **The tribunal's decision and reasons**

6. The tribunal grants dispensation pursuant to s.20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act') in respect of the works of repair to the box gutter and balconies at the subject premises.
7. The tribunal has had regard to the urgent nature of the works as evidenced by the reports included in the documents provided to the tribunal and the absence of any objection by the respondent to either the works that have been carried out or to this application. The tribunal has also considered the absence of prejudice caused by the lack of consultation pursuant to section 20 of the 1985 Act in respect of the works for which the applicant seeks dispensation. Therefore, in the circumstances the tribunal considers it reasonable and proportionate to grant the application sought; *Daejan Investments Limited v Benson and others* [2013] UKSC 14.

**Name: Judge Tagliavini**

**Date: 8 August 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).