



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

Case reference : **LON/00AF/LDC/2022/0126**

Property : **17 Manor Road, Beckenham, Kent BR3 5JB**

Applicant : **Southern Land Securities Limited**

Representative : **Together Property Management – Gayle
Cameron**

Respondents : **Mr A Venkataramana & Ms D N Ravindranath
Ms Sinead O’Sullivan and Ms Sara Berkley**

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 : **22 August 2023**

DECISION

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 additional works to 17 Manor Road, Beckenham, Kent BR3 5JB in the estimated sum of £6060 (including VAT) required to remedy water ingress and damp.
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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 at 17 Manor Road, Beckenham, Kent BR3 5JB.

Background

2. The subject premises comprises a Victorian solid brick house converted into three self-contained flats.
3. The Applicant has applied for dispensation from the statutory consultation requirements in respect further works identified by the lessees and in a report by Stuart Radley Associates dated 15/03/2023. The further works were estimated by T.H. Roofing to cost in the region of £6060.00 (including VAT) in an estimate dated 30/03/2023. The additional works were said to be necessary in order to remedy the issue with water ingress and damp.
4. The tribunal was satisfied the leaseholders had been informed of this application and as stated in an email from the applicant to the tribunal dated 8 August 2023. No response/objections have been received by the tribunal from the respondents.

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 72 electronic pages which included a witness statement from Gayle Cameron Major Works Administrator dated 8 August 2023, who confirmed no objections had been received from any of the respondent to the lessees either to the proposed works or to the application. No documentation was received from the respondents by the tribunal but emails to the applicant from the lessees asking for the works to go ahead were included in the applicant's bundle.

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 additional works to remedy the water ingress and damp 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 respondents to the works required. 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: 22 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).