



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

Case reference : **LON/00AW/LDC/2023/0169**

Property : **Dalmeny House, 9 Thurloe Place,
London SW7 2RY**

Applicants : **(1) Alfred Place Limited
(2) Thirdpart 2003 Limited**

Representative : **South Kensington Estates Limited**

Respondents : **The leaseholders named on the
application**

Representative :

Type of application : **For the dispensation of some of the
consultation requirements under
s.20 Landlord and Tenant Act 1985**

Tribunal member : **Judge Simon Brilliant**

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

Date of decision : **13 October 2023**

DECISION

Decision of the Tribunal

The Tribunal determines that those parts of the consultation requirements provided for by s.20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

The application

1. The Applicants seek a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by s.20 of the Act. The application was dated 09 June 2023.
2. Directions of the Tribunal were issued on 10 July 2023.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

The hearing

4. The matter was determined by way of a paper hearing which took place on 13 October 2023.

The background

5. The premises consist of eight flats in Thurloe Place.

The application

6. The Applicant has applied for dispensation from the statutory consultation requirements in respect of updating and reinstating access control programming and installing new hardware, which is compatible with the new software. The system had malfunctioned, compromising building access for the tenants. This is why the application is said to be urgent.
7. There are two tenders in the sums of £14,391 and £15,879 each plus VAT respectively.
8. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application did not concern the issue of whether any service charge costs will be reasonable or payable.**
9. No notice was received from any of the Respondents opposing the application.

Decision of the tribunal

10. s.20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.

11. Dispensation is dealt with by s.20ZA of the Act which 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"

12. The Tribunal is satisfied that, in the particular circumstances of this case, involving a clear risk of entry to the property being compromised, it is reasonable to dispense with the consultation requirements in respect of the installation of the new electronic equipment.

13. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

Name: Simon Brilliant

Date: 13 October 2023