



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

**Case Reference** : **LON/00AY/LDC/2023/0138  
P:REMOTE**

**Property** : **1-36 Greener House Clapham Road  
London SW4 6ND**

**Applicant** : **The Mayor and Burgesses of the  
London Borough of Lambeth**

**Representative** : **Patrick Byfield**

**Respondents** : **The leaseholders as named on the  
Application**

**Representative** : **Not represented**

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

**Tribunal Member** : **Judge F J Silverman MA LLM**

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

**Date of Decision** : **10 October 2023**

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## DECISION

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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. The dispensation applies only to the cost of the water leak repairs estimated by the Applicant to total £14,236.86.

## 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 14 April 2023.
3. Directions were issued by the Tribunal on 11 July 2023.
4. This matter was determined by a paper consideration on 10 October 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 asking them to respond and to indicate whether or not they opposed the application. No objections were received by the Tribunal.
6. The property comprises 36 self-contained flats in a five storey block, nine of which are tenanted.
7. During March 2023 the Applicants became aware of a constant mains water leak at the property which was affecting communal areas of the block including walkways and the lift. This matter needed to be dealt with urgently to prevent damage to the electrical supplies to the lift and to avoid the possibility of the water supply being cut off from the block.
8. The Applicants sought and obtained an estimate from their contractor who estimated the cost of the work to be £14,236. The

contractor was authorised to proceed with the works which were completed in early April 2023.

9. The tenants were all sent a letter explaining the nature of the works and that because of the urgency of the repairs it would not be possible to engage in a full consultation as required by s20C Landlord and Tenant Act 1985. Instead an 8 day consultation period was entered into with the tenants.
10. Owing to the urgency of the situation the Applicant proceeded with the repairs and now asks for retrospective dispensation from the s20 procedures. The application was filed on 14 April 2023 shortly after the repairs had been completed.
11. 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.
12. The Applicant, as freeholder, has a repairing obligation in respect of the structure, exterior and common parts of the premises (including mains services).
13. 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).

14. 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.
15. Having considered the submissions made by the Applicant the Tribunal is satisfied that the proposed works were both urgent and necessary and that no undue prejudice has or will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
16. 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 10 October 2023**

Note:

Appeals (See next page)

## **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](mailto: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.