



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

Case reference : **LON/00BK/LDC/2023/0235**

Property : **21-30 Cleveland Mansions, Widley Road, Maida Vale, London W8 2LB**

Applicant : **SCMLLA Freehold Company Ltd**

Representative : **Burlington Estates Ltd**

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 : **28 November 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 14 September 2023.
2. Directions of the Tribunal were issued on 12 October 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 28 November 2023.

The background

5. The premises consist of ten flats on five floors in a section of a larger purpose built block of flats in Widley Road, Maida Vale.

The application

6. The Applicant has applied for dispensation from the statutory consultation requirements in respect of retiling the front path to the premises as the existing tiles had cracked giving rise to a real risk of tripping and consequent personal injury to the owners and visitors to the flats.
7. There were the tenders and the cheapest in the in the sum of £3,851.43 plus VAT from KFPM Ltd was accepted.
8. Their specification is as follows:
 - Remove all existing tiles.
 - Prepare sub- base for new tiles.
 - New tiles are exact match for existing tiles (Topcer) – supplier sourced in UK.
 - To avoid restricted access we propose to complete half of the pathway in the first phase of the job – allowing constant access and egress from the property for the duration of the work.
 - Once phase 1 is complete and the tiles are set, this side of will be opened and the other half of the pathway will be closed off to complete phase 2.
 - Complete phase 2.
 - Clean down and seal all pathway tiling.
 - All accumulated waste to be disposed.
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9. 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.**

10. No notice was received from any of the Respondents opposing the application.

Decision of the tribunal

11. 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.

12. 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"

13. The Tribunal is satisfied that, in the particular circumstances of this case, involving a clear risk of personal injury, it is reasonable to dispense with the consultation requirements in respect of the installation of the new tiles for the front path.

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: 28 November 2023