



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

**Case reference** : **LON/00AG/LDC/2023/0269**

**Property** : **Flats at 47 Howitt Road, London NW3  
4LU**

**Applicant** : **Roberta Ciaccia and Ruby Sheera**

**Representative** : **Jessica Clough of Warwick Estates  
(managing agents)**

**Respondent** : **The Leaseholders of the three flats at  
the Property**

**Representative** : **None**

**Type of application** : **Application for dispensation under  
s20ZA of the Landlord and Tenant Act  
1985**

**Tribunal  
member(s)** : **Judge Dutton  
Mr R Waterhouse BSc (Hons) LL.M  
Property Law MA**

**Date and venue of  
hearing** : **Paper determination**

**Date of decision** : **8 February 2024**

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**DECISION**

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## Decisions of the tribunal

**The tribunal determines that dispensation should be granted from the consultation provisions under s20 of the Landlord and Tenant Act 1985 for the reasons set out below.**

### Background

1. This is an application under section 20ZA of the Landlord and Tenant Act 1985 (the Act) by the landlords, Roberta Ciaccia and Ruby Sheera in respect of the property at 47 Howitt Road, London NW3 4LU (the Property) for dispensation from the consultation requirements under s20 of the Act. The application is dated 24 October 2023.
2. We have been supplied with a bundle running to some 54 pages. As well as the application, the bundle included the directions issued by the tribunal on 6 December 2023, a short statement on behalf of the Applicants, an invoice from S F Furlong the roofing contractors dated 17 October 2023 in the sum £2,100, confirmation that the Respondents had been supplied with all documents as required by the directions and that there had been no objections lodged. In addition, a copy of the lease for flat B was included. We have taken them into account when reaching our decision.
3. The property is a converted house comprising three flats. We are told that urgent repairs were required to the roof above flat C, because of ingress of water which has damaged the interior of the flat. The works have been completed, having started on or about 17 October 2023 at the price was as shown on the S F Furlong invoice of £2,100.
4. The directions issued on 6 December 2023 provided that in the absence of any disagreement the application would proceed as a paper determination. We are not aware that any leaseholder has objected to the application to dispense.

### Findings

5. We have considered this matter solely on the papers before us. This application relates only to the dispensation from the consultation requirements set out at s20 of the Act and the Service Charges (Consultation Requirements (England) Regulations 2013 (the Regulations). **It does not relate to the reasonableness or payability of the costs associated with the works.**
6. The invoice produced and the short statement of case provide the evidence that there was water ingress, which needed to be attended to urgently. We are satisfied that it is reasonable to grant dispensation from the consultation requirements. We have borne in mind the

Supreme Court decision in Daejan Investments Limited v Benson and others [2013] UKSC 14. There is no evidence of any prejudice caused to the leaseholders and indeed none have raised an objection to the application. Dispensation is therefore granted from the consultation process as provided for in the Regulations.

**Name:** Judge Dutton

**Date:** 8 February 2024

### **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).