



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

**Case reference** : **LON/00BH/LDC/2023/0274**

**Property** : **239 Chingford Mount Road, Chingford,  
Essex E4 8PR**

**Applicant** : **Hellias Company Limited**

**Representative** : **Ringley Law**

**Respondent** : **The Leaseholders of the Property as set  
out on the schedule annexed to the  
application**

**Representative** : **None**

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

**Tribunal  
member(s)** : **Judge Dutton**

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

**Date of decision** : **23 January 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 landlord, Hellias Company Limited in respect of the property 239 Chingford Mount Road, Chingford, Essex E4 8PR (the Property) for dispensation from the consultation requirements under s20 of the Act. The application is dated 30 October 2023.
2. I have been supplied with a bundle running to some 47 pages. As well as the application, the bundle includes the directions issued by the tribunal on 17 November 2023, a witness statement from Jill Joshi a property manager with Ringley Limited who are the managing agents for the property, the planned works and costs produced by BNM Builders Limited (BNM) and a sample lease. I have taken them into account when reaching my decision.
3. The property is a purpose-built block containing, I am told 8 flats, although the lease only refers to 6, and at ground floor level commercial premises. I am told that urgent repairs were required to a flat roof which appears to provide not only access to the flats but is also above the commercial premises. The water ingress was affecting the operation of the commercial premises. In addition, if not dealt with urgently the continued water ingress could have led to a slip hazard for the leaseholders of the flats. The works have been completed, having started on 23 October 2023. The price was as shown on the report produced by BNM, namely £5,400.
4. The directions issued on 17 November 2023 provided that in the absence of any disagreement the application would proceed as a paper determination. I have seen an email from Anastacia Theophanous a legal officer with Ringley Law dated 6 December 2023 confirming that the directions relating to the service of the application and the accompanying documents had been sufficiently complied with. I am not aware that any leaseholder has objected to the application to dispense.

### Findings

5. I have considered this matter solely on the papers before me. 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 report from BNM cites the rotted plywood boarding and the work required to repair the problem. I accept that these are matters that required urgent attention and I am satisfied that it is reasonable to grant dispensation from the consultation requirements. I 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:** 23 January 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).