



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

Case reference : **LON/00AE/LDC/2023/0248.**

Property : **Flats A, B & C, 171 Brondesbury Park,
London NW2 5JN.**

Applicant : **171 Brondesbury Park Freehold Co. Ltd.**

Representative : **Ms. Hailey Bull (Ref: 30859)
Warwick Estates Limited.**

Respondent : **Ms. Tracey Kitt & Ms. Susan Arndt (Flat
A)
Mrs. I. Weinberger (Flat B)
Ms. Hoi Ying Elizabeth Hung (Flat C)**

Representative : **In person.**

**Recognised
Residents'
Association** : **Stardata Business Services Ltd.**

Type of application : **Application seeking dispensation from
the requirements to consult under S.20
Landlord and Tenant Act 1985.**

Tribunal members : **Tribunal Judge Aileen Hamilton-Farey**

Venue : **Remote.**

Date of decision : **14 March 2024.**

DECISION

Decisions of the tribunal

- (1) The exercises its' discretion and grants the applicants dispensation from the requirements to consult leaseholders in relation to the erection of scaffolding at the premises to facilitate roof inspection.

The application

1. By an application dated 2 October 2023, the applicant seeks dispensation from the requirements to consult leaseholders under S.20ZA of the Landlord and Tenant Act 1985 in relation to the erection of scaffolding at the premises, to facilitate the inspection of the roof and to ascertain any necessary works. At the time of the application the cost of the scaffolding was not known.

Directions:

2. Directions were issued by the tribunal on 6 December 2023. These required any party who objected to the application to provide a statement of case. No objections to the application have been received by the applicants or tribunal. In addition, none of the parties objected to the matter being dealt with on the papers and no-one requested an oral hearing.
3. The tribunal has therefore continued on the basis of a paper determination using the bundle of documents provided by the applicants' representatives.

The bundle:

4. The applicants' bundle was received by the tribunal. This contained a copy of the original application form, a copy of the lease, and correspondence from the scaffolding contractor (including a method statement, a risk assessment, and a price for the work). It appears from the bundle that the cost to erect the scaffolding (and strike it) is £4,200.00 plus VAT.

The consideration and decision:

5. The tribunal has considered the papers provided, it appears that the respondent leaseholders have not objected to the work, and indeed it appears that they requested the application be made to the tribunal in any event.
6. The tribunal is entitled to take into consideration the lack of objection by the leaseholders, and in doing so, reaches the conclusion that

dispensation from the requirements to consult in relation to this contract should be granted.

7. None of the respondent leaseholders raised the issues of prejudice as per *Daejan v Benson*, and the tribunal considers that there is none in this instance.
8. For the benefit of the respondent leaseholders, this application only concerns whether dispensation from the requirements to consult should be granted, the decision to grant dispensation, does not mean that the costs are reasonable or have been incurred and leaseholders' rights in this respect are preserved.

Tribunal:

Date:

Aileen Hamilton-Farey.

14 March 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).