



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

Case reference : **LON/00AN/LDC/2023/0308**

Property : **18 Woodstock Grove, Shepherds Bush,
London, W12 8LE**

Applicant : **Southern Land Securities Limited**

Representative : **Together Property Management
(Nick Hristov)**

Respondents : **The four Leaseholders of 18 Woodstock
Grove**

Type of application : **Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985**

Tribunal member : **Judge Robert Latham**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **20 March 2024**

DECISION

The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of urgent works to repair and repoint the chimney stack on the main roof of the subject property.

The Application

1. On 23 November 2023, the Applicant applied for retrospective dispensation from the statutory duty to consult in respect of urgent works of works to repair and repoint the chimney stack on the main roof of the subject property at 18 Woodstock Grove, Shepherds Bush, London, W12 8LE.
2. The property is a converted Edwardian terraces house. The works were required to resolve the leak in the roof which was affecting the lessee of the top floor flat. In November 2023, the managing agents were made aware of the roof leak affecting the top floor flat (No 4). A roofer was appointed straight away to attend the property and to investigate the cause of the leak. The issue with the roof was found to be in the rear of the property. Due to the height of the building, a scaffold was required. The roofer found an issue with the chimneystack, lead flashing, defective area of the rear wall and quoted £2450.00+vat for the required repairs. The managing agents sent a letter to all leaseholders regarding the works. There was no objection from anyone at the property. The works were executed without delay to minimise any internal damage into the property. The managing agents have confirmed with the lessee that the repairs have been completed successfully. There have been no subsequent reports of water ingress into the property. The managing agents note that there was a short delay in organising for the works as they had to arrange for access into the rear of the property via the garden flat which has carers; the lessees are elderly.
3. On 15 January 2024, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
4. By 26 January 2024, the Applicant was directed to send to the leaseholders by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents' names and addresses) unless already sent by the applicant to the leaseholder/sublessee; (ii) if not already provided in the application, a brief statement to explain the reasons for the application; and (iii) the directions. The Applicant was further directed to display a copy of these in a prominent place in the common parts of the property.
5. On 26 January, the managing agents confirmed that they had complied with this Direction. On 17 January, the papers were emailed to the leaseholders. On 26 January, a copy of the papers was placed in the communal hallway.
6. By 12 February 2024, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions

and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.

7. The Applicant has provided a Bundle of Documents (32 pages) in support of the application. It has also provided a copy of the lease for First Floor Flat.

8. Section 20ZA (1) of the Act provides:

“Where an application is made to the appropriate 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.”

9. The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.

10. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

11. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the Respondents.

Judge Robert Latham
20 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 **by e-mail** 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).