



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

Case reference : **LON/00AG/LDC/2024/0027**

Property : **19 Frognal, Hampstead NW3 6AR**

Applicant : **19 Frognal Ltd**

Representative : **Kai Bagram of Warwick Estates**

Respondents : **The tenants**

Representative : **No appearance**

Type of application : **Application for a dispensation from the consultation requirements in respect of major works**

Tribunal : **Judge Adrian Jack, Tribunal Member J Mann MCIEH**

Date of paper determination : **22nd April 2024**

DECISION

The application, the property, the works and the law

1. The applicant by an application dated 16th January 2024 applies for dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works totalling £3,575.04. The property comprises 13 flats.
2. The Tribunal gave directions on 27th February 2024. The tenants have not complied with the directions and appear to raise no objection to the landlord's application. No request for an oral hearing was made by any party, so the Tribunal has determined this matter on the papers.
3. The landlord says that within Flat 1 there was severe damp and mould due to shingle and stones being piled up on the outside of the building.

This covered the damp course, which impacted the ventilation within the property. It was then uninhabitable by the tenant living within and, as such, extensive works were carried out to clear the impacted wall and re-plaster and re-decorate. The works were urgent due to the mould and damp.

4. Section 20ZA(1) of the 1985 Act provides:

“Where an application is made to the appropriate tribunal [in England, this 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.”

5. An important consideration is always whether granting dispensation will cause prejudice to the tenants. In our judgment, on the facts of this case there is no prejudice to the tenants. The works were urgent.
6. In our judgment it is reasonable to dispense with the consultation requirements in this case.
7. This dispensation does not mean that the tenants cannot challenge the cost or quality of the work done. It simply dispenses with the consultation requirement.
8. There is no application in respect of the fees for applying to the Tribunal, so we make no order in respect of such fees.

DETERMINATION

- a) The Tribunal grants a dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works the subject of the application.
- b) The Tribunal makes no order in respect of the fees payable to the Tribunal.

Name: Judge Adrian Jack

Date: 22nd April 2024