



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

Case reference : **LON/00BK/LDC/2023/0257**

Property : **The Sutherlands, 188 Sutherland Avenue, Maida Vale, London W9 1LS**

Applicant : **The Sutherlands Management Company**

Representative : **Mr Christopher Wade, Burlington Estates**

Respondents : **The tenants of The Sutherlands**

Representative : **No appearance**

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

Tribunal : **Judge Adrian Jack**

Date of determination : **25th March 2024**

DECISION

The application, the property, the works and the law

1. The applicant by an application dated 4th October 2023 applies for dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works costed at £14,376.00.
2. The landlord, a tenant-owned company, says that “when tracing a leak from the roof it became apparent that the timber structure had become rotten and was found to be beyond repair; the work was started and completed in October 2022. Given the immediate urgency of the works, no statutory consultation took place with the tenants, however, the board of directors were informed throughout.”

3. The Tribunal gave directions providing for tenants who objected to the grant of a dispensation to send a standard form reply. In the event none of the tenants have done so. This application is thus unopposed.
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 my judgment, on the facts of this case there is no prejudice to the tenants. On the contrary, if the works had not been done, there would have been increased costs to the tenants due to a worsening in the condition of the building. Doing the works was urgent.
6. In my 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 I 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: 25th 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).