



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

Case Reference : **LON/00AP/LDC/2021/0052P**

HMCTS code : **P: Paperremote**

Property : **Flats 1 – 5, 8a Elder Avenue,
Hornsey, London N8 9TH**

Applicant : **Freehold Managers Limited (“the
Landlord”)**

Representative : **Broadlands Estate Management**

Respondents : **All leaseholders of the premises
 (“the tenants”)**

Representative : **N/A**

Type of Application : **For dispensation from the
consultation requirements under
section 20ZA Landlord & Tenant
Act 1985**

Tribunal Member : **Tribunal Judge Dutton
Mrs SF Redmond BSc MRICS**

Date of Decision : **10 May 2021**

DECISION

This has been a remote determination on the papers, which has not been objected to by the parties. A face-to-face hearing was not held because it was not practicable and all issues could be determined on papers before us as was requested by the applicant in its application. The documents that we were referred to are in a bundle of some 50 or so documents, the contents of which we have noted.

Decision

- (1) We determine that dispensation should be granted from the remaining consultation requirements under s20 of the Landlord and Tenant Act 1985 (the Act) and the Service Charges (Consultation Requirements)(England) Regulations 2003 for the reasons we have stated below. We are told that the Initial Notice was sent to the Respondent tenants on 22 February 2021 and copies were provided to us.**
- (2) We make no determination as to the reasonableness of the costs of same, these being matters which can be considered, if necessary, under the provisions of s27A and s19 of the Act.**

The application

1. The applicant landlord sought dispensation from the consultation provisions in respect of roofing works to the property at Flats 1 – 5, 8a Elder Avenue, Hornsey, London N8 9TH (the Property). The Property is a converted house containing five flats, each owned by a Respondent tenant.
2. The Initial Notices dated 22 February 2021, copies of which were included in the hearing bundle, were sent to each tenant explaining that work was required to the main roof of the Property above flat 3. On 4th March 2021 the tenants were informed by letter that the Landlord intended to apply to this tribunal for dispensation from the consultation requirements because of the urgency in carrying out the roofing works.
3. We were provided with some photographs of the damage caused to the interior of the Property and the roof itself. Evidence of service of the application and directions on the tenants was provided. Also included with the papers were two quotes for the works, one from Skyline Property Maintenance in the sum of £1300 plus VAT and another from R2R Maintenance and Fire Stopping Limited in the sum of £2,150 plus VAT. We are not aware that the works have been started.

3. The tribunal did not consider that an inspection of the Building was necessary, nor would it have been proportionate to the issues in dispute.
4. The only issue for the tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements of section 20 of the 1985 Act. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

Findings

5. In making its decision we have borne in mind that there does not appear to have been any objection from the tenants to the works to be undertaken.
6. The Law applicable to this application is to be found at s20ZA of the Act. The decision of the Supreme Court in Daejan Investments Limited and Benson and others [2013]UKSC 14 has been taken into account by us in reaching our decision. There has not been any allegation of prejudice to the leaseholders as set out in the Daejan case. It is clear to us that the roof requires attention to maintain the Property and to prevent further internal damage to flat 3. We therefore find that it is reasonable to grant dispensation from the consultation requirements required under s20 of the Act.
7. Our decision is in respect of the dispensation from the provisions of s20 of the Act only. Any concern that a Respondent has as to the standard of works, the need for them and costs will need to be considered separately.

Andrew Dutton

Name: Tribunal Judge
Dutton

Date: 10 May 2021

ANNEX – RIGHTS OF APPEAL

1. **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 at the Regional Office which has been dealing with the case.**
2. **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.**
3. **If the application is not made within the 28-day time limit, such application must include a request to 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.

- 4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie 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**