



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

Case reference : **LON/00BG/LDC/2024/0071**

Property : **Jetty Court, Old Bellgate Place, London,
E14 3SX**

Applicant : **Jetty Court RTM Company Limited**

Representative : **Warwick Estates**

Respondent : **The leaseholders as per the application**

Type of application : **For dispensation from statutory
consultation**

**Tribunal
member(s)** : **Mr O Dowty MRICS**

**Date of
determination** : **21 June 2024**

DECISION

Decision of the Tribunal

The Tribunal grants the application for dispensation from statutory consultation in respect of the qualifying works.

The application

1. The applicant, Jetty Court RTM Company Limited, is the Right to Manage company of the subject premises Jetty Court, Old Bellgate Place, London, E14 3SX. The property is a purpose-built block of 19 flats, located close to the junction between Westferry Road and Old Bellgate Place, in-between Millwall Outer Dock and the River Thames in the Isle of Dogs.
2. The application, dated 12 February 2024, seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“The Act”) dispensing with statutory consultation in respect of qualifying works. At the time of that application, those works had already been started – and the Tribunal understands they have now been carried out.
3. Directions were issued by the Tribunal on 16 April 2024. Those directions provided that the applicant was to send to the leaseholders of the property copies of the application form (if not already sent) and the Tribunal’s directions. In addition, the applicant was to display a copy of the directions in the common parts of the property. The applicant emailed the Tribunal on 25 April 2024 to confirm that they had done so; however, it appears from a photograph they provided attached to that email that they did not display the Tribunal’s directions in the common parts, instead displaying a notice of their own design which informed the residents of the application and its circumstances, and that they were “following directions of the First Tier Tribunal in contacting all leaseholders as directed”.
4. Whilst the applicant did not apparently display the Tribunal’s directions in the common parts, they did display a prominent notice informing the residents of the application and have confirmed that they provided a copy of the Tribunal's directions to each of the leaseholders. The purpose of the Tribunal's directions in this regard was to ensure that the leaseholders were informed of the application and how they might oppose it should they wish, and the Tribunal considers that the applicant's actions have served that purpose sufficiently.
5. Similarly, the Tribunal notes for completeness that the directions of the Tribunal when first issued incorrectly stated that the application would be determined during the seven days commencing 17 June 2025, rather than 17 June 2024. The Tribunal subsequently reissued a corrected

version of its directions on 22 April 2024, however it would appear the first, uncorrected, set of directions was provided to the leaseholders (albeit with a covering note from the applicant saying they believed that date to be in error). This is of no import – it is a clear and obvious typographical error, and in any case concerned only the date the Tribunal might determine the matter rather than any deadlines the parties were to adhere to.

6. The Tribunal considered that a paper determination of the application was appropriate, the applicant indicated that they were content for this to happen in their application form and neither the Tribunal nor the applicant received a response from any respondents. The Tribunal therefore determined the matter on the basis of the papers provided to it without a hearing.
7. The Tribunal did not inspect the subject property as it was not necessary to do so to determine the present application.

The Qualifying Works

8. The applicant avers that the works consisted of roof repairs to prevent water ingress to the lift motor room and a penthouse flat. The applicant has provided photographs apparently showing the water ingress into the lift motor room.
9. The applicant has provided three quotations in respect of the works, one from Glaze Aluminium and two from Everlast Rail. The reason for there being two quotations from Everlast Rail is that they were already carrying out cladding works to the property when the need for the roof repair work was identified. One of those quotes was therefore on the basis that the roof repair works were carried out utilising the existing scaffolding (with some addition to it to accommodate the roof repair), and the other was on the basis the works were carried out independently from the cladding works.
10. The difference in these quotes is marked. The quote from Everlast Rail on the basis of using their existing scaffolding for the cladding works was £15,958.64 plus VAT. On the other hand, the quote from Everlast Rail on the basis the works were carried out independently of the cladding works was £58,458.59 plus VAT – and the quote from Glaze Aluminium was £72,243.98 plus VAT.
11. The applicant's desire to carry these works out urgently was therefore twofold. First, the works were needed to prevent water ingress and potential damage to the lift machinery. Second, carrying out the works

whilst the scaffolding for the cladding works was still there would lead to a dramatic reduction in the costs of the roof repair works.

12. The applicant did not carry out a S20 consultation before the works, although somewhat confusingly then sent a notice of intention to carry out work on 20 December 2023 – after such point as those works had already begun on 4 December 2023.

Decision and Reasons

13. 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.

14. The applicant's case is that the works were too urgent to wait for a Section 20 consultation to be completed, as they needed both to prevent the water ingress at the property, and there was a time-bounded opportunity to save a significant sum of money due to the presence of scaffolding on site for another set of works. Both of these reasons appear to be sensible on the evidence provided to the Tribunal.
15. The Tribunal has not received submissions from any leaseholders or other interested parties objecting to the application or identifying any prejudice that might or has been suffered due to the lack of consultation, and the applicant has confirmed they have not received any such objections either.
16. The Tribunal therefore finds that it was appropriate to carry out the qualifying works without carrying out statutory consultation. Accordingly, the Tribunal considers it reasonable to grant the application for dispensation from statutory consultation.
17. No conditions on the grant of dispensation are appropriate and none is made.
18. This decision does not affect the Tribunal's jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable and payable costs of the works, should this be disputed by any leaseholder.

Name: Mr O Dowty MRICS

Date: 21 June 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).