



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

Case reference : **LON/00AH/LDC/2024/0089**

Property : **11 Clifton Road, London, SE25 6NJ**

Applicant : **11 Clifton Road RTM Company Limited**

Representative : **Ringley Law LLP
Ref: 30029554
Flat 1, Chloe Susanna Cranston
Flat 2, Mrs S Begum
Flat 3, Mr & Mrs Obayiuwana
Flat 4, Mr & Mrs Obayiuwana**

Respondent : **Flat 5, Mr Elliott Raymond John
Blackburn -11 Clifton Rd SE25 6NJ
Flat 1, Ms Agata Lugowska
Flat 2, Ms Lameez Behardien – 11A
Clifton Rd SE25 6NJ**

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

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

**Date of
determination** : **27 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, 11 Clifton Road RTM Company Limited, is the Right to Manage company of the subject premises 11 Clifton Road, London, SE25 6NJ. The property was originally an Edwardian house which has been converted into 7 flats, located on a predominantly residential street in South Norwood.
2. The application, dated 5 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 carried out.
3. Directions were issued by the Tribunal on 24 April 2024. Amongst other things, those directions provided that the applicant was to include in its bundle “copies of any replies from the Respondents/leaseholders and their evidence **OR** confirmation that there were no responses”. Neither any replies, nor confirmation that there were none was provided in the bundle; however, following a request for clarification from the Tribunal dated 21 June 2024 the applicant confirmed, in an email dated 24 June 2024, that no such replies had been received.
4. 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 and no replies were received from any respondents. The Tribunal therefore determined the matter on the basis of the papers provided to it without a hearing.
5. The Tribunal did not inspect the subject property as it was not necessary to do so to determine the present application.

The Qualifying Works

6. The applicant avers, in a witness statement provided by Claudia Cameracanna, a property manager at Ringley Limited (the managing agents at the property), that the works consisted of “urgent drain remedial works. They are [sic] required as the drain was overflowing excessively whenever rainfall occurred”.

7. The works conducted are set out in detail both in Ms Cameracanna's statement and in an invoice from Westway Drainage LTD dated 13 October 2023. The works included the installation of a new tank, pump and gully and associated works.
8. The invoice of 13 October 2023 from Westway Drainage LTD gives a total cost of £4,404 including VAT for the works.
9. No consultation was carried out, as the applicant avers the works were too urgently required to allow for one. In particular, the applicant references their concern regarding the health and safety of occupants.

Decision and Reasons

10. 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.

11. The applicant's case is that the works were required urgently to remedy a drain that overflowed "excessively whenever rainfall occurred".
12. 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 that they have not received any such objections either.
13. On the balance of evidence provided to the Tribunal, the Tribunal finds that it was appropriate to carry out the qualifying works without carrying out statutory consultation. As the applicant identifies, overflowing drains can pose health and safety issues and in this circumstance it appears appropriate that the works were carried out urgently.
14. The Tribunal therefore considers it reasonable to grant the application for dispensation from statutory consultation. No conditions on the grant of dispensation are appropriate and none is made.
15. 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: 27 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).