



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

Case reference : **LON/00BD/LDC/2023/0195**

Property : **30-32, Church Road, Richmond, Surrey.
TW9 1UA.**

Applicant : **Southern Land Securities Limited**

Representative : **Together Property Management Ltd.**

Respondents : **1. Rachael Taylor-Jenkins (Flat 1)
2. Mr W.R. and Mrs A.M.Osborn (Flat 2)
3. David Shackleton (Flat 3)
4. Lynne Goudie (Flat 4)
5. Mr D Shackleton & Ms Naylor (Flat 5)
6. Juliet Burnett (Flat 6)
7. Mr A.D. Homer and Mrs J.C.Homer
(Flat 30a Basement)
8. Mr John O’Gorman
(Flat 32a Basement)**

Type of application : **Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985**

Tribunal : **Judge Robert Latham**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **20 September 2023**

DECISION

The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 in respect of urgent works to prevent water ingress throughout the roof structure. It is a condition of this dispensation that none of the cost of relating to this application is passed on to the tenants through the service charge.

The Application

1. On 27 July 2023, the applicant issued an application seeking retrospective dispensation from the statutory consultation requirements in respect of roofing works executed to 30-32, Church Road, Richmond, Surrey, TW9 1UA ("the Property"). The landlord is Southern Land Securities Ltd. The application has been made by its managing agents, Together Property Management Ltd.
2. The Subject Property is a Victorian property which has been converted into converted into eight flats. The lessees are Rachael Taylor-Jenkins (Flat 1); Mr W.R. and Mrs A.M.Osborn (Flat 2); David Shackleton (Flat 3); Lynne Goudie (Flat 4); Mr D Shackleton & Ms Naylor (Flat 5); Juliet Burnett (Flat 6); Mr A.D. Homer and Mrs J.C.Homer (Flat 30a Basement) and Mr John O’Gorman (Flat 32a Basement).
3. The Applicant has provided a statement of case and a bundle of documents in support of its application. Between October 2022 and March 2023, the Applicant executed five sets of works to the roof, chimney stacks and guttering. The total cost of the works was £7,686 (including VAT), £960.75 of which will be payable by each of the tenants. The Applicant was unable to go through the normal consultation procedures because of the urgency of the works. Once works started, it became apparent that additional works were required. The Applicant states that the tenants were informed of the proposed works and were supported the action that was taken.
4. There has been an unfortunate history to this application. The Applicant has issued two previous applications seeking dispensation, namely LON/00BD/LDC/2023/0014 and LON/00BD/LDC/2023/0019.
 - (i) The first application was issued against (i) Miss A.B. Kerridge; (ii) Mr. A Kane & Ms. C. Togher and (iii) The Newby Organisation Ltd. It now transpires that none of these persons are lessees of the Property. They are rather lessees of a completely different property.
 - (ii) The second application was only issued against six of the eight respondents. The application form did not accurately describe the qualifying works.
5. On 27 July 2023, the Applicant applied to withdraw these applications. The Tribunal agreed to this, but made an order pursuant to section 20C of the Landlord and Tenant Act 1985 that none of the costs occasioned by the Applicant in connection with these applications shall be passed on to any leaseholders through the service charge.

6. On 1 August 2023, the Tribunal emailed a copy of this application to the leaseholders. On the same day, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
7. By 11 August 2023, the Applicant was directed to email to the leaseholders (i) its Statement of Case in support of this application and (ii) the directions. On 9 August, the Applicant confirmed that it had complied with this Direction.
8. By 25 August 2023, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.
9. The Applicant has provided a Bundle of Documents (93 pages) in support of the application. It has also provided a copy of the lease for Flat 1 which is on the upper ground floor.
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 only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
12. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen.
13. There has been an unfortunate history to this application. Against this background, the Tribunal is satisfied that it is appropriate to make it a condition of the dispensation that none of the Applicant's costs relating to this application should be passed on to the leaseholders through the service charge.
14. The Directions make provision for the service of the Tribunal's decision. The Tribunal will email a copy of its decision to the Applicant. The

Applicant is responsible for emailing a copy of the Tribunal's decision to the Respondents.

Judge Robert Latham
20 September 2023

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 **by e-mail** 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).