



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

**Case reference** : **LON/00AC/LDC/2023/0302**

**Properties** : **Mayflower Lodge, 10 Wetherill Road,  
London n10 2SH**

**Applicant** : **Orbit Group Ltd**

**Respondents** : **All leaseholders as per the application**

**Type of application** : **To dispense with the requirement to  
consult leaseholders regarding works to  
repair the roof**

**Tribunal** : **Judge N O'Brien**

**Date of Decision** : **19th February 2024**

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**DECISION**

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**Summary of Decision**

1. The applicant is granted dispensation under s.20ZA of the Landlord and Tenant Act 1985 (LTA 1985) from the consultation requirements imposed on the landlord by virtue of s.20 LTA 1985 in respect of the works referred to in its application dated 17<sup>th</sup> November 2023

**Background to the Application**

2. The Applicant landlord seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 from all/some of the consultation requirements imposed on the landlord by section 20 of the 1985 Act<sup>1</sup>
3. The Applicant has undertaken or will shortly complete works at the subject premises, a purpose built block of 18 apartments in a retirement development.

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<sup>1</sup> See the Service Charges (Consultation Requirements) (England) Regulations 2003 (SI 2003/1987)

The works include the repair/replacement of parts of the roof that are allowing water to penetrate the subject property. The works were estimated to cost in the region of £4,410 (plus VAT) and were due to be carried out in the W/B 20 November 2023. These works are 'qualifying works' within the meaning of section 20 LTA 1985 and the amount payable per lessee is £294 per lessee which falls above the 'appropriate amount' currently set at £250 per lessee.

4. The tribunal considered the application for dispensation on 13 December 2023 and directed that Applicant landlord should by **5 January 2024** write to each of the leaseholders and to any residential sub-lessee and to any recognised residents' association concerned by email, hand delivery or first-class post, setting out the following:
  - (a) Informing them of the application;
  - (b) Provide by email a copy of the application (**excluding** any respondents' telephone numbers or email addresses, or any separate list of respondents' names and addresses), statement of case, supporting documents and notifying them that any response to the application should be made by **19 January 2024**.
  - (c) Place a copy of the application and supporting documents in a communal area that is accessible to all respondents together with a copy of these directions and informing the leaseholders that if they wish to receive a printed copy of the application and these directions they should write to the applicant, who will then send printed copies (again, (**excluding** any respondents' telephone numbers or email addresses, or any separate list of respondents' names and addresses));
  - (d) Confirm to the tribunal by email that this has been done and stating the date(s) on which this was done.
5. By email dated 16<sup>th</sup> February 2024 the Applicant's legal representatives confirmed that the above direction was complied with by 18<sup>th</sup> December 2023. Copies of the letters sent to the leaseholders are included in the bundle submitted by the applicant in accordance with paragraph 3 of the directions.
6. The tribunal also directed that any leaseholders who oppose the application must by : **19 January 2024**:
  - Complete a reply form and send it by email to the tribunal; and
  - Send to the Applicant landlord, by email or by post, a statement in response to the application with a copy of the reply form. They should send with their statement copies of any documents upon which they wish to rely.
7. The tribunal did not receive any reply form objecting to the application from any of the leaseholders.
8. The only issue for the Tribunal is whether 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.**

**Decision**

9. The tribunal can grant dispensation from the consultation requirements if it is satisfied that it is reasonable to dispense with them (s.20ZA(1) LTA 1985).
10. It is apparent that the Applicant complied in substance with the preliminary consultation requirements by its letter dated 20<sup>th</sup> November 2023 in which it invited the leaseholders to make any observations and propose any alternative contractor by 26<sup>th</sup> December 2023.
11. The tribunal is satisfied that it would be reasonable to dispense with the consultation requirements. The work is necessary to address a leak in the roof. The works were urgent as the leak is or was affecting in particular the ceiling of an apartment occupied by an 80 year old leaseholder who became distressed and worried about the condition of his property. In addition the applicant has complied in substance with the initial consultation requirements imposed by the LTA 1985 and it appears that no observations were received from any leaseholder nor were any alternative contractors nominated. Further the cost of the works is only just above the limit of £250 per leaseholder above which consultation is required.
12. For the above reasons the tribunal is satisfied that it would be reasonable to dispense with the consultation requirements in respect of the works set out in the application dated 17<sup>th</sup> November 2023.

**Name:** Judge O'Brien

**Date:** 19  
February 2024

**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 Tribunal 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 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.

4. 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.