



FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)

Case Reference : CAM/00KG/LDC/2023/0053

Property : 9-41 Plymouth Road, Chafford  
Hundred, Grays RM16 6BJ

Applicant : Foxglove Hollow No.1 Limited

Representative : Warwick Estates (Jessica Clough)

Respondents : All leaseholders of dwellings at the  
Property

Type of application : Dispensation with consultation  
requirements - Section 20ZA of the  
Landlord and Tenant Act 1985

Tribunal members : Judge David Wyatt

Date of decision : 21 December 2023

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DECISION

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The tribunal's decision

The tribunal determines under section 20ZA of the Landlord and Tenant Act 1985 (the "1985 Act") to dispense with all the consultation requirements in relation to the qualifying works to replace/re-lay roof hip and ridge tiles, including the scaffolding necessary to enable those works.

Reasons for the tribunal's decision

1. The Applicant applied for dispensation with the statutory consultation requirements in relation to qualifying works to repair the roof of the Property, which is said to be a block accommodating 18 residential flats.

2. Any relevant contributions of the Respondents through the service charge towards any costs of these works would be limited to £250 unless the statutory consultation requirements, prescribed by section 20 of the 1985 Act and the Service Charges (Consultation etc) (England) Regulations 2003 (the "Regulations") were complied with or are dispensed with by the tribunal.
3. The Applicant seeks a determination from the tribunal, under section 20ZA of the 1985 Act, to dispense with the consultation requirements. The tribunal has jurisdiction to grant such dispensation if satisfied that it is reasonable to do so.
4. In this application, the only issue for the tribunal is whether it is satisfied that it is reasonable to dispense with the consultation requirements. This application does not concern any issue of whether any service charges for the costs of the works will be reasonable or payable.

## Background

5. In their application form, the Applicant said the works were urgent and could not await consultation because the roof hip and ridge tiles were dangerously loose. It said these were close to falling, with obvious risks of injury. They said that work had been instructed to replace and re-lay the relevant tiles securely, using scaffolding for access.
6. On 2 November 2023, a procedural Chair at the tribunal gave case management directions. These required the Applicant to (amongst other things) write to each of the Respondents by 11 November 2023 with copies of the application form, any quotes/further information obtained and the directions. The directions required any Respondents who opposed the application to respond by 21 November 2023, providing a reply form for them to use. The directions provided that, unless any party requested a hearing or the tribunal decided a hearing was necessary, the tribunal would decide the matter based on the papers produced by the parties, without a hearing.
7. The Applicant produced a bundle of documents for the determination. These included an estimate of £5,124 including VAT for the relevant works.
8. I understand that none of the Respondents responded to oppose the application, or request a hearing, or at all. In the circumstances, I treat the application as unopposed and, under rule 31(3) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the parties are taken to have consented to this matter being determined without a hearing. This determination is based on the documents in the bundle produced by the Applicant. On reviewing these documents, I considered that a hearing was not necessary.

## The tribunal's decision

9. This application was not opposed by the Respondents, who have not challenged the information provided by the Applicant, identified any prejudice they might suffer because of the non-compliance with the consultation requirements, provided any other reasons why dispensation should not be granted or in these proceedings asked for or provided any other information. In the circumstances, based on the information provided by the Applicant (as summarised above), I am satisfied that it is reasonable to dispense with the statutory consultation requirements in relation to the relevant works.
10. As noted above, this decision does not determine whether the cost of these works was reasonable or payable as service charges under the leases, only whether the consultation requirements should be dispensed with in respect of them.
11. The tribunal determines under section 20ZA of the 1985 Act to dispense with all the consultation requirements in relation to the works to replace/re-lay roof hip and ridge tiles, including the scaffolding necessary to enable those works.
12. There was no application to the tribunal for an order under section 20C of the 1985 Act.
13. The Applicant shall send a copy of this decision to the Respondents.

Name: Judge David Wyatt

Date: 21 December 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 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).