



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

**Case reference** : **LON/00AN/LDC/2024/0123**

**Property** : **Stafford Mansions, Haarlem Road,  
London W14 0JJ**

**Applicant** : **Stafford Mansions (Management)  
Limited**

**Representative** : **Warwick Estates (Kayleigh Dyer)**

**Respondents** : **The leaseholders of the 8 flats  
in the Property, as identified  
in the Schedule attached to the  
Application**

**Representative** :

**Type of application** : **An Application for a Dispensation  
Order pursuant to section 20ZA of the  
Landlord and Tenant Act 1985**

**Tribunal member** : **JUDGE SHAW**

**Venue** : **PAPER DETERMINATION**

**Date of decision** : **12<sup>th</sup> August 2024**

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**DECISION**

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## **Decision of the Tribunal**

The Tribunal determines that an order dispensing with the consultation provisions under section 20 of the Landlord and Tenant Act 1985, is appropriate in this case, and makes such order.

### **The Application**

1. The application is dated 24<sup>th</sup> April 2024 and the Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”).  
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### **The Hearing**

2. The Applicant sought a Paper Hearing, which has not been objected to by the Respondents.

### **The Background**

3. The Applicant landlord has, applied for dispensation from the statutory consultation requirements in respect of works relating to water leakages from balconies of several flats at the property. The property comprises a residential block containing 8 flats. An initial Notice of Intention was given in July 2023. However, the situation worsened, and the necessary work had to be completed urgently
4. Contractors, GB Solutions, were instructed to carry out the work which is identified in their invoice dated 12<sup>th</sup> January 2024 in the Hearing Bundle, in the sum of £3492. The work involves waterproofing the relevant balconies, and associated works as stipulated in the invoice. The worst affected balcony was that to Flat 8. In addition, scaffolding costs in the sum of £9360 were incurred, as detailed in the invoice of Homyze Limited dated 22<sup>nd</sup> October 2023 at page 20 in the Hearing Bundle.
5. Although the Applicant contends that it was not practical ( for reasons of urgency) to complete the full statutory consultation process, nonetheless a Notice of Intention was served on the Respondents in July 2023, and so far as the Tribunal is aware, no objections or other observations were received.
6. The application has been sent to all leaseholders as part of the overall documentation which was also made available in accordance with the Directions of the Tribunal issued on 15<sup>th</sup> June 2024. The Application and the Hearing Bundle contain details of the disrepair, the description of the remedial works, and the cost

– all as detailed above. None of the leaseholders raised any objections in respect of the short notice, nor the works generally.

### **The Issues**

7. The sole issue in this case is whether the Tribunal is satisfied that it is reasonable for the Tribunal to dispense with the consultation provisions (section 20 of the Act) which would otherwise have applied to the qualifying works at the property, as described below.

### **The Tribunal's Decision**

8. The Tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in relation to the balcony works identified in the invoices referred to at paragraph 4 above. A dispensation order to this effect is therefore made, as set out below.

### **Reasons for the Tribunal's decision**

9. Directions in this case were given on 15<sup>th</sup> June 2024. In those Directions, the Respondent leaseholders were given the opportunity both to request an oral hearing and to object to the application for dispensation.. No such request has been received by the Tribunal, nor has the Tribunal been notified of any objection from any of the leaseholder Respondents. As understood by the Tribunal , the work has now been completed, and the Tribunal is satisfied on the evidence before it that it is reasonable to grant the dispensation sought, because of the disrepair to the balconies described in the application and itemised in the invoices of the contractors. There were leakages into the various flats below, and the consequences of delay could have been serious for the Respondents. The Tribunal is also satisfied that no prejudice has been caused to the Respondents, as described in the Supreme Court decision of *Daejan Investments v Benson 2013*.

### **10. DECISION**

For the reasons set out above, the Tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in relation to the works to the balconies described

above. A dispensation order to this effect is therefore made. It should be understood that nothing in this Decision precludes the entitlement of the Respondents to challenge the cost, quality, reasonableness or payability of service charges for these works, under the provisions of section 27A of the Act, should they have reason or the desire to do so.

**Name:** JUDGE SHAW

**Date:** 12<sup>th</sup> August 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.