



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

**Case reference** : **LON/00AP/LDC/2023/0264**

**Property** : **22 Hampstead Lane, London, N6 4SB**

**Applicant** : **22 Hampstead Lane (management)  
Residents Association Limited**

**Representative** : **HML Group**

**Respondents** : **Simone Green  
Christopher Ward  
Solmaz Zeidi & Ehsan Amertousi  
Perminder Dubb  
Chris Kounoudis  
Nick Cobill  
Mary Elizabeth Mcaleavy**

**Representative** : **None**

**Type of application** : **Application for dispensation under  
s20ZA of the Landlord and Tenant Act  
1985**

**Tribunal member(s)** : **Judge Dutton**

**Date and venue of hearing** : **Paper determination**

**Date of decision** : **23 January 2024**

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**DECISION**

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## **Decisions of the tribunal**

**The tribunal determines that dispensation should be granted from the remaining consultation provisions under s20 of the Landlord and Tenant Act 1985 for the reasons set out below.**

### **Background**

1. This is an application under section 20ZA of the Landlord and Tenant Act 1985 (the Act) made by the managing agents HML Group, who are also referred to the Respondent in the application, in respect of the property 22 Hampstead Lane London N6 4SB (the Property) for dispensation from the consultation requirements under s20 of the Act. The application is dated 23 October 2023.
2. The first matter is the identity of the applicant. It should not be Iram Nabi of HML Group, they being the managing agents. The application refers to 22 Hampstead Management Limited as the Landlord, although the lease has the management company as 22 Hampstead Lane Residents Association Limited. Of the respondents it seems all are leaseholders but possibly four, Christopher Ward, Chris Kounoudis, Simone Green and Nick Corbill are, I believe, also directors of the applicant.
3. The next issue is whether this application is in fact necessary. Included in the papers are letters of consent intended to show agreement to the avoidance of the consultation process from the three leaseholders and approval of the works from the directors. It is right to say that the bundle does not contain the written approval of three of the leaseholders, although it would seem that letters of consent were sent. This is another deficit in the bundle. It would appear that the first stage in consultation process was undertaken in September 2023.
4. Accordingly, in the light of the application and for the sake of certainty I will make a determination. I have been supplied with a bundle running to some 208 pages in pdf format but numbered 176 in handwriting on the pages included. The bundle is poorly put together with emails included on many occasions duplicated and not in chronological order. It has made it difficult to follow. So far as I can tell from the papers before me this appears to be the situation. Abutting Hampstead Lane is a large Purple Beech tree which has shown signs of disease over a number of years and by, it would seem 2022, was becoming dangerous to residents, traffic and passersby. The tree had a tree preservation order. A report included in the bundle from Bartlett Tree Care seems to leave no doubt that the tree needed to be removed. This report follows on from an earlier one prepared by this company in October 2021 and records the decline in condition of the tree. It would seem that the removal was approved by the local authority (Haringey Council, Mr Monk) in his report dated 21 August 2023 following on from a request for removal of the tree. The work has, I understand, been carried out.

5. The costs of the works are shown in the duplicated quotation from Green Bear, the preferred contractor, at £7,200 including VAT.
6. The directions issued on 10 November 2023 provided that in the absence of any disagreement the application would proceed as a paper determination. I am not aware of any objection and HML have confirmed service in accordance with the directions.

### **Findings**

7. I have considered this matter solely on the papers before me. This application relates only to the dispensation from the consultation requirements set out at s20 of the Act and the Service Charges (Consultation Requirements (England) Regulations 2013 (the Regulations). **It does not relate to the reasonableness or payability of the costs associated with the works.** However, as I stated above there is no objection before me as to the works, nor it would seem the costs of same.
8. The report from Bartlett Tree Care and others sets out the dangerous state of this venerable tree. I accept that these are matters that required urgent attention and I am satisfied that it is reasonable to grant dispensation from the remaining consultation requirements. I have borne in mind the Supreme Court decision in Daejan Investments Limited v Benson and others [2013] UKSC 14. Dispensation is therefore granted from the remaining consultation process as provided for in the Regulations.

**Name:** Judge Dutton

**Date:** 23 January 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).