



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

Case reference : **LON/00AP/LDC/2024/0053**

Property : **Princess Court, 105/107 Hornsey Lane,
London, N6 5XD**

Applicant : **Princess Court Limited (PCL)**

Representative : **Mr Matthew J.S. Mott**

Respondent : **Leaseholders of Princess Court, 105/107
Hornsey Lane, London, N6 5XD**

Type of application : **For dispensation from statutory
consultation**

**Tribunal
member(s)** : **Mr O Dowty MRICS**

**Date of
determination** : **30 May 2024**

DECISION

Decision of the Tribunal

The Tribunal grants the application for dispensation from statutory consultation in respect of the qualifying works.

The application

1. The applicant, Princess Court Limited, is the freeholder of Princess Court, 105/107 Hornsey Lane, London, N6 5XD (the subject property). The Tribunal understands that Princess Court Limited is owned by the leaseholders at the building.
2. The subject property is a purpose-built block of 26 flats over 7 floors, dating from 1982.
3. The application, dated 13 February 2024, seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“The Act”) dispensing with statutory consultation in respect of qualifying works. At the time of that application, those works had been started, and the Tribunal understands that they have now been finished.
4. Directions were issued by the Tribunal to the applicant on 12 March 2024. Those directions provided that the applicant was to provide copies of the application form and the Tribunal’s directions to the leaseholders and any residential sublessees at the property, as well as displaying a copy of the Tribunal’s directions in the common parts at the subject property. The applicant confirmed to the Tribunal, in an email dated 2 April 2024, that they had done so – on 28 and 29 March 2024 respectively.
5. The Tribunal has not received any objections to the application, and the applicant has confirmed in an email dated 19 April 2024 that they have not received any objections either.
6. The Tribunal considered that a paper determination of the application was appropriate, and the applicant indicated that they were content for this to happen in their application. The Tribunal therefore determined the matter on the basis of the papers provided to it without a hearing.
7. The Tribunal did not inspect the subject property as it was not necessary to do so to determine the present application.

The Qualifying Works

8. The applicant provided a detailed explanation of the works and their urgency, including by reference to a schedule from their 'block surveyor' Mr Wyn Burgess MRICS. The works as described were to the balconies of flats 25 & 26, which act as a roof for flats below. The balconies required repair, including felting, as there were leaks from them to the flats below on the 5th floor.
9. The applicant avers that the works were too urgent to allow for a Section 20 process to be completed, and provided an email from their surveyor Mr Burgess, dated 8 February 2024, in which the surveyor advised that "In view of the urgency of completing these repairs and the difficulty of obtaining a competent roofing contractor at this time, I would strongly recommend proceeding with these works next week."
10. Whilst the applicant did not initiate any Section 20 consultation in respect of the works, they informed the leaseholders of the works to be carried out; and that the present application for dispensation would be made to the Tribunal.
11. In his email of 8 February 2024, Mr Burgess also said that he had tendered the works to 3 contractors, one of which refused to quote, another – Anderson Roofing - which tendered £31,285.00 (net of VAT and fees) and a third – Cuttle Construction – which tendered £23,093.43 plus VAT & fees. The applicant provided in their bundle a contract apparently for the works with Cuttle Construction that specified that amount as the contract sum.
12. The applicant also made reference, with correspondence from leaseholders in support, to how difficult to deal with some leaseholders had found the previous managing agents at the property. When the previous managing agent's contract was coming to an end in January this year, three leaseholders, they averred, had: "advised the block management of leakage problems that had been reported to our previous managing agent but had not been dealt with".

Decision and Reasons

13. 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.

14. The applicant's case is that the works were required urgently to stop water ingress to flats from a defective balcony area above, which acts as a roof for those flats.
15. The Tribunal has not received submissions from any leaseholders or other interested parties objecting to the application or its contents and the applicant has confirmed they have not received any such objections either.
16. On the evidence provided to the Tribunal, the Tribunal finds that it was appropriate to carry out the qualifying works without carrying out statutory consultation. The repair of leaking balconies causing water ingress to flats is clearly an urgent matter, and the applicant has provided a schedule and associated correspondence from a chartered surveyor advising them both of the works which were needed and their urgency.
17. The Tribunal therefore considers it reasonable to grant the application for dispensation from statutory consultation in respect of the qualifying works. No conditions on the grant of dispensation are appropriate and none is made.
18. This decision does not affect the Tribunal's jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable and payable costs of the works, should this be disputed by any leaseholder.

Name: Mr O Dowty MRICS

Date: 31 May 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).