



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

Case reference : **LON/00BG/LDC/2024/0099**

Property : **Flats 33-38 Lion Mills, 394-396 Hackney Road, London, E2 7ST**

Applicant : **Lionmill Management Ltd**

Representative : **Barnard Cook (Matt Goold)**

Respondents : **The Leaseholders of Flats 33-38 Lion Mills**

Type of application : **Dispensation with Consultation Requirements under section 20ZA Landlord and Tenant Act 1985**

Tribunal member : **Judge Robert Latham**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **29 July 2024**

DECISION

The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of urgent works to repair the roof to prevent water penetration.

The Application

1. By an application, dated 28 March 2024, the Applicant applies for retrospective dispensation from the statutory duty to consult in respect of urgent works to repair the roof to prevent water penetration. The cost of the works will exceed the statutory threshold of £250 per flat.
2. Lion Mills is a residential property comprising two purpose-built dwellings (53 and 54) and six blocks of self-contained flats which were constructed in about 1985. The original buildings date from around 1891. The site is a converted factory and is made up of a total of 54 properties. This application relates Block B, which includes Flats 33-38 Lion Mills who pay into their own schedule for works on their block.
3. There has been an ongoing roof leak affecting Flat 38, the top floor flat. If the leak was not dealt with swiftly, there was a risk of greater damage to the flat and the fabric of the building. On 15 January 2024, the Applicant instructed a contractor, Artur Kapllaj, to attend the flat and cut a hole in the ceiling to see if they could find the source of the leak from below, rather than erecting scaffolding. On 13 February, the contractor reported that they had identified where the leak was coming in from and that they would need to install a scaffold tower.
4. The Applicant obtained two quotes for the works. Artur Kapllaj quoted £1,950 + VAT; Allen and Brown Ltd quoted £1,450 (inc VAT). The Applicant decided to proceed with the more expensive quote as the contractor could do the work more quickly. On 28 March, the Applicant informed the leaseholders of the steps that they were taking.
5. On 2 May 2024, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
6. By 23 May 2024, the Applicant was directed to send to the leaseholders by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents' names and addresses) unless already sent by the applicant to the leaseholder/sublessee; (ii) if not already provided in the application, a brief statement to explain the reasons for the application; and (iii) the directions. The Applicant was further directed to display a copy of these in a prominent place in the common parts of the property. On 16 May, the Applicant confirmed that it had complied with this Direction.
7. By 20 June 2024, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the

application. No leaseholder has returned a completed Reply Form opposing the application.

8. The Applicant has provided a Bundle of Documents (47 pages) in support of the application. It has also provided a copy of the lease for Flat 38.

9. 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.”

10. The only issue which this Tribunal has been required to determine is whether or not 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.

11. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

12. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the Respondents.

**Judge Robert Latham
29 July 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 **by e-mail** 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).