



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

Case Reference : **CAM/00KF/LDC/2023/0054**

Property : **Lady Hamilton Court
50 Barnstaple Road
Southend on Sea
Essex SS1 3QH**

Applicant : **Lady Hamilton Court RTM
Company Limited**

Representative : **Darren Whitehead, Head of
Property Management, Sorrell
Property**

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 : **18 January 2024**

DECISION

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 works to fix the existing external wall panels to the buildings (including scaffolding and removal, cleaning and re-fitting of the panels with screws, screw caps and mastic sealant).

Reasons for the tribunal's decision

1. The Applicant applied for dispensation with the statutory consultation requirements in relation to qualifying works to fix the existing external wall panels to the buildings.
2. Any relevant contributions of the Respondents through the service charge towards the cost 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 property has two blocks, which are three storeys tall. A number of external wall panels had fallen because the original adhesive used to affix the panels was failing. The Applicant said (in effect) that the proposed works could not await consultation because a falling panel could cause injury or other damage.
6. On 1 December 2023, the tribunal gave case management directions. These required the Applicant to (amongst other things) write to the landlord (Proxima GR Properties Ltd) and each of the Respondent leaseholders by 8 December 2023 with copies of the application form, an estimate of the cost of the works (if possible), any other evidence relied upon and the directions. The Applicant confirms it did so on 5 December 2023.
7. The directions required any person (whether the landlord or the Respondents) who opposed the application to respond by 22 December 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.

8. The Applicant produced documents for the determination. These included a quotation of £36,460 plus VAT for the proposed works to the external panels plus a quotation of £17,200 excluding VAT for scaffolding for 12 weeks (with additional charges if hired for longer). The sample lease provided is from 1995.
9. I understand that neither the landlord nor any 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 produced by the Applicant. On reviewing these documents, I considered that a hearing was not necessary.

The tribunal's decision

10. 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, given 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.
11. **As noted above, this decision does not determine whether the cost of these works is reasonable or payable as service charges under the leases, only whether the consultation requirements should be dispensed with in respect of them.**
12. The tribunal determines under section 20ZA of the 1985 Act to dispense with all the consultation requirements in relation to the works to fix the existing external wall panels to the buildings (including scaffolding, and removal, cleaning and re-fitting of the panels with screws, screw caps and mastic sealant).
13. There was no application to the tribunal for an order under section 20C of the 1985 Act.
14. The Applicant shall send a copy of this decision to the Respondents.

Name: Judge David Wyatt

Date: 18 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).