



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

Case reference : LON/00AX/LDC/2024/0176

Property : Hampton Chambers, 98/100 Canbury
Park Road, KT2 6FZ

Applicant : Hampton Chambers Management Ltd

Representative : HML Group

Respondent : The leaseholders of the Property

Type of application : For dispensation from statutory
consultation

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

**Date of
determination** : 23 September 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, Hampton Chambers Management Limited, is the management company for the Property with responsibility under the leases to the leaseholders for the provision of services and the collection of service charges. The property is a purpose-built block of 24 flats located on Canbury Park Road in Kingston upon Thames. I note for completeness that the property has been referred to at points, including in the Tribunal's directions in this matter, as being located on "Canbury

Road” rather than Canbury Park Road – but this is of no importance as it is an obvious and trivial error that would not lead to any confusion as to which property was being referred to.

2. The application, dated 24 May 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 already been carried out.
3. Directions were issued by the Tribunal on 2 August 2024. Amongst other things, those directions provided that the applicant was to include in its bundle “copies of any replies from the Respondents/leaseholders and their evidence **OR** confirmation that there were no responses”. The applicant provided, in their bundle, an email exchange which they had had with the leaseholder of Flat 6, Mr Malcolm Self, who had emailed the applicant’s representative on 15 August 2024 requesting information regarding the carrying out of the works, and apparently quoting part of the application form in this matter. The applicant’s representative replied on 19 August 2024, including in that reply reference to an email exchange they had had with “the directors” regarding the works (which I infer refers to the directors of the management company).
4. Mr Self’s email was framed as a query rather than as an objection of itself – and it does not appear that an objection arose from it. Certainly, the Tribunal has not received a reply form or any other correspondence from Mr Self or any other leaseholder indicating that there was an objection to the application (as was provided for in the directions in this matter, which the applicant has confirmed serving upon the respondents). Similarly, the applicant has not provided any such objection received by them in the bundle, having clearly not omitted to consider the Tribunal’s directions in this regard as they have included the email exchange with Mr Self.
5. The Tribunal considered that a paper determination of the application was appropriate, the applicant indicated that they were content for this to happen in their application and no objections were received from any respondents. I agree, and I therefore determined this matter on the basis of the papers provided to me without a hearing.
6. I did not inspect the subject property as it was not necessary to do so to determine the present application.

The Qualifying Works

7. The works consisted of the replacement of the guttering at the property, which was needed – the applicant avers – as:

The guttering was failing very badly in a lot of areas and therefore it was felt necessary to replace this as soon as possible as the fabric of the building was becoming damaged.

8. The applicant provided a photograph of discolouration to a wall which they say was due to overflowing guttering – which does appear likely to be the case from that photograph. The applicant also referred to an email discussion with “the directors”, in which it was apparently decided that the guttering should be replaced rather than “keeping making repairs”.
9. The applicant sought two quotes – one from DSP Drainage at a total cost of £32,800 + VAT and one from Clean Cut Building Services at a lower price of £18,660 including VAT.
10. The applicant instructed Clean Cut Building Services to carry out the works, and has provided an invoice from them to a total of £18,660 including VAT. That invoice details the works carried out, including the use of a cherry picker and scaffolding, the removal of “all guttering and gutter clips” and the installation of new guttering and associated works.
11. No consultation was carried out, save for the applicant’s representative seeking permission to carry out the works from the applicant’s own directors (albeit the applicant management company would appear to be a leaseholder owned one).

Decision and Reasons

12. 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.

13. The applicant’s case is that the works were required urgently to remedy guttering that was in poor condition, and causing damage to the wider building as a result. No representations have been received that dispute

this, and – alongside the applicant’s other submissions - the applicant has provided a photograph in apparent support of there having been issues with the guttering at the property.

14. No leaseholder or other interested party has indicated their objection to the application at all (Mr Self’s email being a query rather than an objection). It is therefore trite to note that no leaseholder or other interested party has identified any prejudice that might be, or has been, suffered by them as a result of the failure to consult. Similarly, I have not identified any clear prejudice that the leaseholders or any other interested parties have suffered, or might suffer, in the absence of any such representations from them.
15. In light of the above, I consider it reasonable to grant the application for dispensation from statutory consultation. No conditions on the grant of dispensation are appropriate and I therefore make none.
16. 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: 23 September 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).