



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

Case Reference : LON/00BK/LDC/2024/0135

Property : 51 Chippenham Road, London W9 2AA

Applicant : 51 Chippenham Road RTM Company Limited

Representative : Ms Kayleigh Dyer - Warwick Estates

Respondent : Leaseholders of 51 Chippenham Road

Representative :

Type of Application : **Application dispensation from consultation requirements**
Section 20ZA of the Landlord and Tenant Act 1985

Tribunal Member(s) : Judge Tildesley OBE
Ms Jane Mann MCIEH

Date and venue of the Hearing : Decision on the papers

Date of Decision : 6 August 2024

DECISION

Senior President of Tribunals Practice Direction: Reasons for Decisions 4 June 2024

1. This Practice Direction states basic and important principles on the giving of written reasons for decisions in the First-tier Tribunal. It is of general application throughout the First-tier Tribunal. It relates to the whole range of substantive and procedural decision-making in the Tribunal, by both judges and non-legal members. Accordingly, it must always be read and applied having regard to the particular nature of the decision in question and the particular circumstances in which that decision is made (paragraph 1).
2. Where reasons are given, they must always be adequate, clear, appropriately concise, and focused upon the principal controversial issues on which the outcome of the case has turned. To be adequate, the reasons for a judicial decision must explain to the parties why they have won and lost. The reasons must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the main issues in dispute. They must always enable an appellate body to understand why the decision was reached, so that it is able to assess whether the decision involved the making of an error on a point of law. These fundamental principles apply to the tribunals as well as to the courts (paragraph 5).
3. Providing adequate reasons does not usually require the First-tier Tribunal to identify all of the evidence relied upon in reaching its findings of fact, to elaborate at length its conclusions on any issue of law, or to express every step of its reasoning. The reasons provided for any decision should be proportionate, not only to the resources of the Tribunal, but to the significance and complexity of the issues that have to be decided. Reasons need refer only to the main issues and evidence in dispute, and explain how those issues essential to the Tribunal's conclusion have been resolved (paragraph 6).
4. Stating reasons at any greater length than is necessary in the particular case is not in the interests of justice. To do so is an inefficient use of judicial time, does not assist either the parties or an appellate court or tribunal, and is therefore inconsistent with the overriding objective. Providing concise reasons is to be encouraged. Adequate reasons for a substantive decision may often be short. In some cases a few succinct paragraphs will suffice. For a procedural decision the reasons required will usually be shorter (Paragraph 7).

Application

5. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.

6. The Applicant explains that urgent works had to be carried out on the roof to prevent water ingress which was leaking into electrics and causing parts of the ceilings to flake within the flats. The main flats affected were Flats 6, 7, 8 and 9. The works were completed in January 2024 at a cost of £4,495.08 which exceeded the threshold of £2,250 for triggering the requirement to consult with leaseholders.
7. The Application for dispensation with the required fee was received on 9 June 2024.
8. On 13 June 2024 the Tribunal directed the Applicant to serve the application and directions on the leaseholders which was done on 19 June 2024
9. The Tribunal directed that the Application would be heard on the papers unless a party requested an oral hearing. No party made such a request.
10. The Tribunal required the leaseholders to return a pro-forma to the Tribunal and the Applicant if they objected to the Application by 18 July 2024. The Tribunal and the Applicant received no objections from the leaseholders.
11. The Applicant supplied a hearing bundle.

Determination

12. The Tribunal has had regard to the hearing bundle, and the decision of the Supreme Court in *Daejan Investments Ltd v Benson* [2013] UKSC 14.
13. The Tribunal finds that the works to repair the roof were necessary and urgent and there was not sufficient time to carry out statutory consultation. The Tribunal further finds that the works were carried out by a reputable contractor. The Tribunal takes into account that the leaseholders submitted no objections to the Application. The Tribunal is, therefore, satisfied that the leaseholders would suffer no relevant prejudice if dispensation from consultation was granted.
14. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the works to repair to the roof.**
15. The Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under

section 27A of the Landlord and Tenant Act 1985 would have to be made.

16. The Tribunal directs the Applicant to inform the leaseholders of the Tribunal's decision and to display the written decision on a noticeboard in the common areas.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.