



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

**Case Reference** : **LON/00AG/LDC/2024/0065**

**Property** : **26 Gambole Road, London , SW17 0QJ**

**Applicant** : **Densa Lauber**

**Representative** : **Residential Management Group Limited**

**Respondents** : **Flat A Mr E Heath, Flat B Mr & Mrs  
Sargent, Flat C Ms Alison Berti.**

**Representative** : **In person**

**Type of Application** : **For dispensation from the consultation  
requirements under section 20ZA  
Landlord & Tenant Act 1985**

**Tribunal** : **Mr R Waterhouse BSc (Hons) LLM  
Property Law MA FRICS**

**Date of Decision** : **30 July 2024**

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**DECISION**

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This has been a remote paper determination, which has been consented to by the parties. A face-to-face hearing was not held because it was not practicable and no one requested same.

The documents the Tribunal were referred to were in a bundle of some 246 pages.

### **Decision**

- (1) The tribunal determines that unconditional dispensation should be granted from the consultation requirements from section 20ZA of the Landlord and Tenant Act 1985 (the Act) in respect of the property 26 Gambole Road, London, SW17 0QJ.**
- (2) We make no determination as to the reasonableness of the costs of same, these being matters which can be considered, if necessary, under the provisions of s27A and s19 of the Act.**

### **The application**

1. This Application is made by Residential Management Group Ltd on behalf of, the freeholder, Densa Lauber 80 Lupus Street RTM Company Ltd dated 2<sup>nd</sup> November 2022.
2. The Application seeks dispensation from the consultation requirements under section 20ZA of the Landlord and Tenant Act 1985.
3. The Application is concerned solely with the question of what consultation if any should be given of the consultation requirements of section 20 of the 1985 for works costing in excess of £250 per flat. It is not concerned with the reasonableness or payability of any service charges which may arise.

### **The Determination**

4. A written Application was made by Residential Management Group Limited, appointed by Densa Lauber the freeholder. The tribunal considered the written bundle of 49 pages, in support of the Application.

### **Background**

5. The property comprises; a mid-terraced two storey period house, converted into three flats, 26 a on the ground floor, 26 b on the first floor and 26 c on the second floor.
6. This Application has been issued because according to the box titled “Grounds for Seeking Dispensation” it was noted that a leaking gutter had caused and continued to cause damp on the internal walls of the flats and there was concern over mould which may impact the residents, one of which was noted as vulnerable.
7. The Directions dated 8 May 2024, provided for the tenants to be given copies of the Application form, a brief statement to explain the reasons for the Application and display a copy of the directions in a prominent place in the common parts of the property.
11. The Directions also note that any leaseholder who opposes the Application should by the **7 June 2024** complete the reply form and return it to the tribunal.
12. The only issue for the tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements of section 20 of the 1985 Act. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

### **Documents**

13. The Applicant notes in their statement of case within the bundle that they were not aware of any leaseholders who opposed the application for dispensation.

### **The tribunal’s decision**

14. The tribunal grants dispensation under section 20 ZA of the Landlord and Tenant Act 1985 and the Service Charges (Consultation) (England) 2003 for the works set out in the application.
15. We are, aware of the judgment in Daejan Investments Limited v Benson and others [2013] UKSC 14. The application for dispensation is not challenged.
16. The Supreme Court (Lord Neuberger at para 50) accepted that there must be real prejudice to the tenants. Indeed, the Respondents do not oppose the application. It is accepted that we have the power to grant dispensation on such terms as we think fit. However, the Landlord is entitled to decide the

identity of the contractors who carry out the work, when they are done, by whom and the amount. The safety net for the Respondents is to be found in sections 19 and 27A of the Landlord and Tenant Act 1985.

17. Accordingly, we find that unconditional dispensation should be granted. In making our decision we have borne in mind the quotes which we were referred, which in our finding clearly indicate that works are required at the Property.
18. Our decision is in respect of the dispensation from the provisions of s20 of the Act only.

*Richard Waterhouse*

<b>Name:</b>	<b>Richard Waterhouse LLM FRICS</b>	<b>30 July 2024.</b>
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#### **ANNEX – RIGHTS OF APPEAL**

- 1. 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 at the Regional Office which has been dealing with the case.**
- 2. 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.**
- 3. If the application is not made within the 28-day time limit, such application must include a request to 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.**
- 4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie 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**