



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

Case reference : **CAM/00MX/LDC/2024/0043**
P:Paperremote

Property : **27 Rothschild Road Wing Leighton
Buzzard LU7 0NL**

Applicant : **Southern Land Securities Limited**

**Respondent
leaseholders** : **Mr Matthew T Sheehan (1)
Ms Vivienne L Howard (2)**

Type of application : **To dispense with the consultation
requirements under S.20 Landlord
and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint FRICS**

**Date and venue of
determination** : **8 October 2024
Remote on the papers**

DECISION

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by the Respondent. A face to face hearing was not held because it was not practicable, no-one requested the same, and all the issues could be determined on the papers. The documents that I was referred to were in a bundle, the contents of which I have recorded.

Decision of the tribunal

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to remedying damp in the ground floor flat.
- (2) The question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) was made by the Applicant on 4 July 2024.
2. The Applicant has applied for dispensation from the statutory consultation requirements under section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 in respect of the replacement and re-routing of the rainwater downpipe serving the bay at the front of the property and repairing the damage to the ground floor of the building, internally and externally
3. Directions were issued on 13 August 2024 requiring the applicant to prepare bundles to include statements
 - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
 - (ii) By 11 September 2024, those Leaseholders who opposed the application were asked to state why they opposed the application and provide copies of all documents to be relied upon.
4. The Applicant confirmed that copies of the application were emailed to both leaseholders on 28 August 2024 together with copies of the invoices.
5. No objections were received from either leaseholder.
6. The Leaseholders were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

The Evidence

7. The building comprises an end terrace house c1910 which was subsequently extended at ground floor level and converted into two self-contained flats.
8. On 23 January the leaseholder of the ground floor advised the managing agent that the bedroom, at the front of the property, was suffering from damp and posed a potential health and safety issue.
9. The managing agents informally consulted regarding obtaining a report into the cause of the dampness. Trend and Thomas Chartered Surveyors inspected and reported that the damp was due to the rainwater pipe serving the ground floor bay discharging onto the area in front of the house, there was no drain into which the water could drain. The report included recommendations on the work necessary to prevent further damage and making good both externally and internally.
10. Tenders were sought and the quotations sent to both leaseholders with an explanatory letter. No complaints or objections were received. The first floor leaseholder confirmed that the dampness had not affected the first floor flat.
11. The work undertaken included re-routing the rainwater downpipe to connect with one on the flank wall which was draining satisfactorily, cutting out spalled or defective brickwork and pointing and making good. Internally damaged skirting boards were replaced, the damaged plasterwork cut out and replaced and the decorations made good. The cost of the works was £710 + VAT and surveyors fees of £395 + VAT.

The Decision

12. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
13. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed urgently and that no prejudice to the lessees has been demonstrated or asserted.

14. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 8 October 2024

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 Tribunal 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. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>
4. 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.
5. 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.

