



FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)

**Case reference** : LON/00AN/LDC/2024/0213

**Properties** : 36 Parsons Green Lane, Fulham,  
London SW6 4HS

**Applicant** : Southern Land Securities Ltd

**Representative** : Together Property Management

**Respondents** : Mr Mark Turkish (Flat 1)  
Ms Baig Begum (Flat 2)  
Ms Judy Zhu (Flat 3)  
Mr Miles (Flat 4)  
Mrs Miles (Flat 4)  
Ms Anna Simonds (Flat 5)  
Ms Megan Ronald (Flat 6)

**Type of application** : To dispense with the requirement to  
consult leaseholders regarding works to  
repair the roof

**Tribunal** : Judge N O'Brien

**Date of Decision** : 10 October 2024

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**DECISION**

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**Summary of Decision**

1. The applicant is granted dispensation under s.20ZA of the Landlord and Tenant Act 1985 (LTA 1985) from the consultation requirements imposed on the landlord by virtue of s.20 LTA 1985 in respect of the works referred to in its application dated 29 July 2024.

2. The Applicant must, within 7 days of receipt of this decision email a copy of this decision to each leaseholder and place a copy in a prominent place within the common parts for at least 30 days.

### **Background to the Application**

3. The Applicant landlord seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 from all/some of the consultation requirements imposed on the landlord by section 20 of the 1985 Act<sup>1</sup>
4. The Applicant has undertaken works at the subject premises, a late Victorian house converted into 6 self-contained flats. The works include the repair/replacement of parts of the roof that were allowing water to penetrate into Flats 5 and 6. The applicant's managing agent obtained a quote for the works in the sum of £1650 plus VAT. The leaseholders were notified of the first tranche of roof works and the cost by email dated 8 January 2024. The first tranche of works did not prevent water ingress into Flat 6 and consequently the applicant's managing agent engaged the same contractor to revisit the site to carry out further works at a cost of £1650 plus VAT. Again the agent obtained a quote and forwarded it to the lessees prior to the works commencing. These works are 'qualifying works' within the meaning of section 20 LTA 1985 and the amount payable per leaseholder falls above the 'appropriate amount' currently set at £250 per lessee. Consequently, in order to recover the full costs of the works from the lessees, the landlord would normally be obliged to comply with the statutory consultation requirements imposed by s20 LTA 1985.
5. The tribunal considered the application for dispensation on 14 August 2024 and directed that the Applicant landlord should by **28 August 2024** write to each of the leaseholders and to any residential sub-lessee and to any recognised residents' association concerned by email, hand delivery or first-class post, setting out the following:
  - (a) Provide by email a copy of the application (excluding any respondents' telephone numbers or email addresses, or any separate list of respondents' names and addresses),
  - (b) A signed statement of case, supporting documents setting out in more detail the works carried out, the costs of the works supported by invoices and the communications with the leaseholders,
  - (c) Place a copy of the above in a communal area that is accessible to all respondents together with a copy of these directions in the property; and
  - (d) Confirm to the tribunal by email by 30 August 2024 that this has been done and stating the date(s) on which this was done.

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<sup>1</sup> See the **Service Charges (Consultation Requirements) (England) Regulations 2003 (SI 2003/1987)**

6. By email dated 16 August 2024 the Applicant's managing agent confirmed that the above direction was complied with as regards sending the information to the leaseholders. The email indicated that the documents would be placed in the communal hallway that week.
7. The tribunal also directed that any leaseholders who oppose the application should by 12 September 2024:
  - Complete a reply form and send it by email to the tribunal; and
  - Send to the Applicant landlord, by email or by post, a statement in response to the application with a copy of the reply form. They should send with their statement copies of any documents upon which they wish to rely.
8. The tribunal did not receive any reply form objecting to the application from any of the leaseholders.
9. The Applicant has filed and served on the leaseholders a statement of case with documents in support which complied in substance with the directions of the Tribunal, save that the statement of case was not signed as directed and the email confirmation was sent to the tribunal before the documents were displayed in the communal hallway.
10. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

## Decision

11. The tribunal can grant dispensation from the consultation requirements if it is satisfied that it is reasonable to dispense with them (s.20ZA(1) LTA 1985).
12. It is apparent from the statement that the Applicant kept the leaseholders informed of the need for both the first and second tranche of roof works, and of the likely costs, throughout January 2024.
13. The tribunal is satisfied that it would be reasonable to dispense with the consultation requirements. The work was necessary to address a persistent leak in the roof of the building affecting Flats 5 and 6. In addition the applicant's agent notified all leaseholders of the need for the works and the likely cost and it appears that no observations were received from any leaseholder nor were any alternative contractors suggested. Further the cost of the works is not very far above the statutory limit of £250 per leaseholder above which consultation is required.
14. For the above reasons the tribunal is satisfied that it would be reasonable to dispense with the consultation requirements in respect of the works set out in the application dated 24 July 2024.

**Name:** Judge O'Brien

**Date:** 10 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. 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.
4. 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.