



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference : **LON/00AD/LDC/2024/0223**

Applicant : **Pier Management Limited**

Representative : **Churchill Estates Management Limited**

Respondent : **The leaseholders at Milton Lodge**

Property : **Milton Lodge, 6 Hadlow Road, Sidcup, DA14 4HU**

Type of application : **To dispense with the requirement to consult leaseholders regarding fire safety works.**

Tribunal : **Judge N O'Brien**

Date of Decision : **10 October 2024**

DECISION

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 2 August 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 some of the consultation requirements imposed on the landlord by section 20 of the 1985 Act¹. The anticipated works concern fire safety and include upgrading and replacement of doors, fire compartmentalisation works and works to the ventilation and fire detection systems.
4. The tribunal considered the application for dispensation on 14 August 2024 and directed that the Applicant landlord should by 5 September 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) A copy of the directions,

The applicant was also directed to place a copy of the above in a communal area accessible to all respondents and 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.
5. By email dated 20 August 2024 the Applicant's managing agent confirmed that the above direction was complied with as regards sending the information required by (a) and (b) to the leaseholders and that the documents (a) to (c) had been posted on the lodge notice board. The Applicants managing agent further confirmed by email dated 9 October 2024 that the directions had also been sent to the leaseholders on 19 August 2024.
6. The tribunal directed that any leaseholders who opposed the application should by 19 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.

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

7. The tribunal did not receive any reply form objecting to the application from any of the leaseholders.
8. The Applicant has filed and served on the leaseholders a statement of case with documents in support which complied with the directions of the Tribunal. In its statement of case and in its application the applicant confirmed that it had complied in substance with the s.20 consultation process save that it only succeed in obtaining one tender in response to the 11 tender requests it sent out. It submitted that the anticipated total cost of the works was £190384 inclusive of VAT.
9. 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

10. 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).
11. It is apparent from the facts set out in the application and the statement of case that, save that the Applicant was unable to provide the leaseholders with more than one tender for the anticipated works, it complied in substance with the statutory consultation requirements. The Tribunal is further satisfied that the Applicant has taken reasonable steps to attempt to comply with the statutory consultation requirements in that it sought tenders from 11 different contractors, however only 1 responded positively. Furthermore no objection to the application has been raised by any of the respondent leaseholders.
12. 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 2 August 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.