



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

Case reference : **LON/00BK/LDC/2024/0237**

Property : **Cardinal Mansions, Carlisle Place,
London SW1P 1EY**

Applicant : **Cardinal Mansions Limited**

Representative : **D&G Block Management Limited**

Respondent : **Leaseholders of Cardinal Mansions (as
per the schedule attached to the
application)**

Representative : **N/A**

Type of application : **Application for dispensation from
consultation – s.20ZA of the Landlord
and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **13 November 2024**

DECISION

The tribunal's decision

1. The tribunal grants the applicant the dispensation from the consultation requirements of s.20 of the Landlord and Tenant Act 1985, in respect of the structural repairs and rebuilding of 3No. chimneys, additional masonry repairs, additional timber repairs and the re-setting of corroded window railings that have been carried out at a cost of £16,195 plus VAT.
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The application

2. This is application by the freeholder of the subject property situate at **Cardinal Mansions, Carlisle Place, London SW1P 1EY** ('the Property') seeking dispensation from part of the consultation requirements of s.20 of the Landlord and Tenant Act 1985.

Background

3. The Property comprises a residential period mansion block of 14 flats. During the course of major works it was discovered that additional works were required to the in respect of the structural repairs and rebuilding of 3 No. chimneys, additional masonry repairs, additional timber repairs and the re-setting of corroded window railings ('the Additional Works'). The applicant considered that these Additional Works were urgent and that it would be most cost effective to carry them out while scaffolding from the current and ongoing major works was still in situ.
4. A Notice of Intention dated 17 June 2024 was sent informing the respondent leaseholders of the applicant's intention to carry out these Addition Works. No response to this Notice was received by the applicant from any of the leaseholders.
5. Pursuant to the tribunal's directions dated 26 September 2024, the applicant sent a copy of this application and the tribunal's directions to each of the leaseholders and displayed a copy of this application and the directions in the common parts of the Property. This was confirmed by the applicant in its correspondence with the tribunal and by way of photographs included in the hearing bundle.
6. Further, no response was received by the applicant or by the tribunal from any leaseholder, either objecting to or supporting this application.

The hearing

7. As neither party requested an oral hearing, the tribunal determined this application on the documents provided by the applicant. These comprised of two hearings bundles (Part I and Part II) each comprising 32 electronic pages).

The tribunal's reasons

8. The tribunal finds the applicant has notified the leaseholders of this application and that they have been given a proper opportunity to respond and have declined to do so. The tribunal finds that the Additional Works were urgently required in order to ensure the leaseholders safety and the integrity of the structure of the Property. The tribunal also finds that it was most cost effective and therefore beneficial to the leaseholders, to carry out these Additional Works while major works were still ongoing.
9. Consequently, in the absence of any leaseholder identifying any prejudice caused by the applicant's failure to comply with all of the s.20 consultation requirements, the tribunal considers it is reasonable and appropriate to grant the dispensation sought; *Daejan Investments Limited v Benson and others* [2013] UKSC 14 & [2013] UKSC 54.

Name: Judge Tagliavini

Date: 13 November 2024

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

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. 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>

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.

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.

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.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).