



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

Case Reference : **LON/00AN/LDC/2024/0628**

Property : **7 Loftus Road London W12 7EH**

Applicants : **Lavina Trehan and Ajay Trehan**

Representative : **Mr Matt Huband**

Respondents : **Various (As set out in the Application
Flats 1 to 7 Loftus Road, London W12
7EH**

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

Tribunal : **Mr R Waterhouse BSc (Hons) LL.M
Property Law MA FRICS**

Date of Decision : **16 January 2025**

DECISION

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 76 pages.

Decision

- (1) The tribunal determines that unconditional dispensation, for the works set out in the application namely the works to move the electrical meters from the external meter cupboard to inside the communal area should be granted from the consultation requirements from section 20ZA of the Landlord and Tenant Act 1985 (the Act) in respect of the property 1-7 Loftus Road London W12 7EH.**
- (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 Lavina Trehan and Ajay Trehan, C/O Dexters Block Management, the freeholder, dated 16 October 2024.
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 Lavina and Ajay Trehan. The tribunal considered the written bundle of 79 pages, in support of the Application.

Background

5. The property comprises; a four-storey building with basement converted into seven flats.
6. This Application has been issued because; “the electrical meters are currently situated in a meter cupboard, at the front of the property. The meter cupboard, has suffered with water ingress and the general state of the meter were in a dire state and there was a very real risk of the main board falling down and causing an explosion as advised by the electrician.”

7. The Directions dated **25 November 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. The landlord to send an e mail to the Tribunal by **28 November 2024** confirming this was done.
8. The Directions also note that any leaseholder who opposes the Application should by the **9 December 2024** complete the reply form and return it to the tribunal.
9. 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

10. The Applicant notes in the bundle that the leaseholders were notified on the **27 November 2024** and there is no indication that leaseholders who opposed the application for dispensation.

The tribunal's decision

11. 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

Name:	Richard Waterhouse LLM FRICS	16 January 2025
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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**