



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

Case Reference : **LON/00AW/LDC/2024/0610**

Property : **3-5 Collingham Place, London SW5 OQE**

Applicant : **3 Collingham Place Limited**

Respondents : **Leaseholders of 3-5 Collingham Place, London SW5 OQE**

Type of Application : **Dispensation from consultation requirements under Landlord and Tenant Act 1985 section 20ZA**

Tribunal Members : **Judge Professor R Percival
Ms R Kershaw BSc**

Venue : **Remote paper determination**

Date of Decision : **17 February 2025**

DECISION

Decisions of the tribunal

- (1) The Tribunal, pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”), grants dispensation from the consultation requirements in respect of the works which are the subject of the application.

Procedural

1. The landlord submitted an application for retrospective dispensation from the consultation requirements in section 20 of the Landlord and Tenant Act 1985 (“the 1985 Act”) and the regulations thereunder, dated 7 October 2024.
2. The Tribunal gave directions on 30 October 2024. The directions provided for a form to be distributed to those who pay the service charge to allow them to object to or agree with the application, and, if objecting, to provide such further material as they sought to rely on. The application and directions was required to be sent to the leaseholders and any sublessees, and to be displayed as a notice in the common parts of the property. The deadline for return of the forms, to the Applicant and the Tribunal, was 4 December 2024.
3. The Applicant confirmed that the relevant documentation had been sent to the leaseholders.
4. No response from any of the leaseholders has been received by the Tribunal. The Applicant confirmed that no responses had been received by it.

The property and the works

5. The property is a townhouse converted into 16 flats.
6. The works address what is described as an ongoing problem with low flow and low water pressure in the property. The Applicant describes a series of steps that were necessary to identify the problem and develop a plan to resolve it, which involved a statutory undertaker exposing a stop-cock that had been tarmacked over by the local authority, before the work itself could be completed. It was necessary to engage a specialist surveyor.
7. The Applicant received a quotation of £3,855 plus VAT for the removal and reinstatement of bulk water service pipework and valve arrangements, and for chlorination testing and certification.

Determination

8. The relevant statutory provisions are sections 20 and 20ZA of the Landlord and Tenant Act 1983, and the Service Charges (Consultation etc)(England) Regulations 2003. They may be consulted at the following URLs respectively:
<https://www.legislation.gov.uk/ukpga/1985/70>
<https://www.legislation.gov.uk/uksi/2003/1987/contents/made>
9. The Tribunal is concerned solely with an application under section 20ZA of the 1985 Act to dispense with the consultation requirements under section 20 and the regulations.
10. We appreciate the complexity of the problem and the difficulty in resolving it. The low flow/water pressure must clearly have been an on-going problem for the tenants, which no doubt they would wish to be rectified as soon as possible. While not the most pressing urgency, this factor would, we consider, provide a reasonable basis for seeking a dispensation.
11. But in any event, no response has been received from any of the leaseholders objecting to the application, either by the Tribunal or, it reports, the Applicant. It is therefore clear that none of the leaseholders have sought to claim any prejudice as a result of the consultation requirements not having been satisfied. Where that is the case, the Tribunal must, quite apart from any question of urgency, allow the application: *Daejan Investments Ltd v Benson and others* [2013] UKSC 14; [2013] 1 WLR 854.
12. The figure we have given above does not include the fees of the surveyor who we were told was engaged. For the avoidance of doubt, this dispensation includes those fees, if they are referable to the service charge.
13. This application relates solely to the granting of dispensation. If the leaseholders consider the cost of the works to be excessive or the quality of the workmanship poor, or if costs sought to be recovered through the service charge are otherwise not reasonably incurred, then it is open to them to apply to the Tribunal for a determination of those issues under section 27A of the Landlord and Tenant Act 1985.

Rights of appeal

14. 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 London regional office.

15. The application for permission to appeal must arrive at the office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
16. If the application is not made within the 28 day time limit, the 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 these reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
17. The application for permission to appeal must identify the decision of the Tribunal to which it relates, 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.

Name: Judge Prof Richard Percival **Date:** 17 February 2025