



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

Case reference : **LON/00BE/LDC/2024/0218**

Property : **South City Court, Peckham Grove,
London SE15**

Applicant : **South City RTM Co. Ltd.**

Representative : **Haus Block Management**

Respondent : **All leaseholders of South City Court,
Peckham Grove, London SE15 (as per
Appendix A attached to application)**

Representative : **N/A**

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

Tribunal members : **Judge Tagliavini
Mrs S Redmond MRICS**

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

Date of decision : **25 February 2025**

DECISION

The tribunal's summary decision

- (1) The tribunal grants the applicant the dispensation from consultation sought, in respect of both the temporary and permanent works to restore the mains electricity supply to **South City Court, Peckham Grove, London SE15**.
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The application

1. This is an application made pursuant to s.20ZA of the Landlord and Tenant Act 1985. The applicant seeks retrospective dispensation from the statutory consultation requirements in respect of rectifying the issues associated with the non-operation of the mains electricity supply at the subject property, which comprises 117 purpose built flats in a development constructed 2005-2006 ('the Property').
2. The application for dispensation includes the permanent works as well as the hire and installation of temporary electricity generators to maintain habitable conditions in the property and ensure residents receive electricity, water and other services such as broadband, automatic gate operation, fire system services and other communal services.. The estimated cost of the works was said in the application to be in the region of £119,200

Background

3. In the application the applicant asserted the works were urgent, as the Property and all occupiers were wholly without a supply of electricity to their flats and the communal areas. The works had been carried and completed at the date the application was made to the tribunal on 24 July 2024.
4. An objection was received by the Mr James Byrne, the leaseholder of Flat 414 dated 3 February 2025. Mr Byrne stated that a pre-notice of intention had not been received, despite the applicant having asserted one had been sent to all leaseholders; the cost of the works had risen to £434,000 and costs of and incidental to this work are excessive.

The hearing

5. Neither party requested an oral hearing and therefore, this application was determined on the basis of the electronic bundle of 265 pages provided by the applicant.

The tribunal's reasons

6. The tribunal is satisfied that the works required, including the temporary hire of generators to restore electricity to the Property was of the utmost urgency

and did not allow for the usual consultation with leaseholders to take place. The tribunal finds the objections put forward by the leaseholder of Flat 414 largely concern the cost of the works and do not identify any substantial prejudice that has been caused by the lack of consultation with the leaseholders; *Daejan Investments v Benson & Others Limited* [2013] UKSC 14

7. In its directions dated 6 January 2025 the tribunal specifically stated:

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.

8. The applicant also provided the tribunal with a detailed Response dated 10 February 2025 setting out the actions taken by it to restore the electricity supply to the Property and the reasons for them. The tribunal is satisfied that it is reasonable to dispense with the consultation requirements in view of the nature of the works required and the health and safety risks potentially arising, were power not swiftly returned to the Property. Continual communication with the respondents throughout the process ensured they were kept up to date with the steps taken by the applicant to restore an electricity supply to the Property.
9. Therefore, the tribunal grants the dispensation sought by the applicant. However, this does not preclude the leaseholders from making an appropriate application in respect of the reasonableness of the costs of this work and their liability to pay.

Name: Judge Tagliavini

Date: 25 February 2025

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 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).