



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

Case Reference : **LON/00BE/LDC/2024/0629**

Property : **96 Webster Road and 33 Clements Road, Southwark, London SE16 4DF**

Applicant : **Southern Land Securities Ltd**

Representative : **Together Property Management Ltd**

Respondents : **Various Leaseholders of 96 Webster Road and 33 Clements Road, Southwark, London SE16 4DF**

Representative : **None**

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

Tribunal : **Mr R Waterhouse BSc (Hons) LLM Property Law MA FRICS**

Date of Decision : **1 April 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 66 pages.

Decision

- (1) The Tribunal determines that unconditional dispensation should be granted from the consultation requirements from Section 20ZA of the Landlord and Tenant Act 1985 (the Act) in respect of the property 96 Webster Road and 33 Clements Road, Southwark, London, SE16 4DF.**
- (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 received 22 October 2024, is made by Together Property Management on behalf of, the freeholder, Southern Land Securities Limited.
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 Together Property Management by the freeholder Southern Land Securities Limited. The tribunal considered the written bundle of 66 pages, in support of the Application.

Background

5. The property “New Concord” Public House was built in the 1860s on Keetons Road which is now known as Webster Road. The property is constructed over ground and two upper floors with a flat parapet roof.
6. The Application Form notes under “Grounds for Seeking Dispensation”; specifically, “Emergency removal of Concrete decorative fascia, which had partially fallen from the top of the building onto public highway. Scaffolding was erected to RHS of building to remove loose render and cherry picker

utilised to remove further loose render from centre of the building, which came to light when the scaffolding was erected, but not within reach.

7. The Application Form notes in terms of consultation; “ On the 5th August 2024 the building managers were contacted by Southwark Council and served a Dangerous Structure Notice for works required to the Building. On the weekend of the 3rd August 2024 Southwark Council had attended to the property, following a report of loose render at the top of the Building, which was a danger to the public below. They partially removed some loose render from the parapet and made us aware of further works required to make the Building safe.
8. The Leaseholders were informed on the 5th August 2024 of the further works required, and quotes were obtained to remove more of the render to the right-hand side of the Building. Once scaffolding was erected to the RHS, the contractors made the managing agent aware that more render needed to be removed to the centre of the parapet, as the boarding behind was rotten. Leaseholders were informed of additional works and no objections were received, however one leaseholder requested an alarm be placed on the scaffolding for the duration of the works. The render removal was completed on the 10th August 2024. The managing agents report that all the loose render has now been removed and repairs to the parapet have been included in the External Repairs and Decoration of the building, which is due to start on the 28th October 2024.
9. The Directions dated **4 December 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. This to be done by the **20 December 2024** and the Tribunal notified as such by the **3 January 2024**.
9. The Directions also note that any leaseholder who opposes the Application should by the **17 January 2025** complete the reply form and return it to the Tribunal. The Landlord may by the **31 January 2025** provide a brief reply to any leaseholder who opposes the Application.
10. The Landlord confirmed to the Tribunal within their Statement of Case on 7 **February 2025** that no objections had been received.
11. 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

12. The Tribunal has had recourse to the Bundle of 66 pages which includes the Application form, Directions, statement of case, copy of lease, copy of Dangerous Structure Notice and invoices.

The Tribunal's decision

13. 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.
14. We are, aware of the judgment in Daejan Investments Limited v Benson and others [2013] UKSC 14. The Application for dispensation is not challenged.
15. 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.
16. Accordingly, we find that unconditional dispensation should be granted.
17. Our decision is in respect of the dispensation from the provisions of s20 of the Act only. It is open to the opposing leaseholder or others to apply under the Landlord and Tenant Act 1985 Section 27A, should there be concerns over the payability and reasonableness of the service charge, these may include concerns over necessity, quality of work and its cost.

Richard Waterhouse

**Name: Richard Waterhouse
FRICS**

1 April 2025

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