FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00BC/LDC/2025/0626**
Property	**:**	**9 – 19 Maple Close, Hainault, Essex IG6 3JB**
Applicant	**:**	**Woodman Path (Hainault) Management Company Limited**
Respondents	**:**	**The leaseholders of the Property**
Type of application	**:**	**For dispensation from statutory consultation**
Tribunal member(s)	**:**	**Mr O Dowty MRICS**
Date of determination	**:**	**14 May 2025**

DECISION

Decision of the Tribunal

The Tribunal grants the application for dispensation from statutory consultation in respect of the qualifying works.

The application

1. The applicant, Woodman Path (Hainault) Management Company Limited, is the management company of the subject property. The respondents are the leaseholders of the building.

2. The property is a circa 1980s, purpose-built block of 6 flats located in Hainault – commonly referred to as being in Essex, though in fact strictly located in the London Borough of Redbridge.

3. The application, dated 21 January 2025, seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("The Act")

dispensing with statutory consultation in respect of qualifying works. At the time of that application, those works had already been carried out.

4. Directions were initially issued by the Tribunal on 19 February 2025, and further – revised - directions provided on 18 March 2025 to provide extended deadlines for compliance. Amongst other things, those directions provided that the applicant was to display a copy of the Tribunal's directions in the common parts of the property and to serve both the Tribunal's directions and the applicant's application form on the leaseholders of the property. Ms Maisie Clancy, an employee of Management Company Services (MCS) - the applicant's managing agents - confirmed that this had been done in an email to the Tribunal on 19 March 2025.

5. The Tribunal's directions provided template reply forms, and directed any leaseholder or sublessee who opposed the application to provide a reply form indicating their objection both to the Tribunal and to the applicant. The Tribunal has received no such objecting reply forms. The applicant was directed to provide in their bundle any objections they had received, or confirm that they had received none. This has been done by including a section in the bundle headed to that effect, not enclosing any objections – which whilst not explicit can only be intended as confirmation that they have not received any objections, particularly given the respondent clearly hasn't simply omitted to consider that part of the Tribunal's directions.

6. The Tribunal considered that a paper determination of the application was appropriate, the applicant indicated that they were content for this to happen in their application and no objections were received from any respondents. I agree, and I therefore determined this matter on the basis of the papers provided to me without a hearing.

7. I did not inspect the subject property as it was not necessary to do so to determine the present application.

The Qualifying Works

8. The applicant sets out in the bundle that works were required to repair fire doors, following an inspection of them as part of a Health Safety & Fire Risk Assessment by 4site Consulting Limited. In support of this, the landlord has provided a report from that assessment specifying a "site visit date" of 15 August 2024.

9. It was considered by the applicant that the works were too urgent to wait for a full consultation process to be completed, as the defects in the fire

doors "posed a serious health and safety risk, potentially resulting in severe harm – or even loss of life – in the event of a fire within the block".

10. The applicant therefore arranged for those works to be carried out urgently, as they now have been, without undertaking a Section 20 consultation process. Nevertheless, the landlord avers that they sent letters to the leaseholders to advise them of the works and the need for them.

Decision and Reasons

11. Section 20ZA(1) of the Act provides:

Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

12. The applicant's case is that the works were required urgently to repair fire doors which caused a serious risk to the residents of the property. No representations have been received that dispute this, and – alongside the applicant's other submissions - the applicant has provided a risk assessment in support of the works being needed. It is worth noting that that risk assessment spoke to the disrepairs, but rates them at a priority of 2 (meaning they should be planned for) rather than 1; but for the avoidance of doubt I do not think it is unreasonable to have carried out the works as a matter of urgency given the concerns outlined by the applicant.

13. Regardless, my decision in this matter is one that must be focussed upon prejudice that has been, or might be, suffered by service charge payers due to a full consultation under Section 20 of The Act not taking place. The leading case in this area to that effect is the Supreme Court case of *Daejan Investments Ltd* v *Benson* [2013] UKSC 14.

14. No leaseholder or other interested party has indicated their objection to the application at all. It is therefore trivial to note that no leaseholder or other interested party has identified any prejudice that might be, or has been, suffered by them as a result of the failure to consult. Similarly, I have not identified any clear prejudice that the leaseholders or any other interested parties have suffered, or might suffer, in the absence of any such representations from them.

15. In light of the above, I consider it reasonable to grant the application for dispensation from statutory consultation. No conditions on the grant of dispensation are appropriate and I therefore make none.

16. This decision does not affect the Tribunal's jurisdiction upon an application to make a determination under section 27A of The Act in respect of the reasonable and payable costs of the works, should this be disputed by any leaseholder.

Name: Mr O Dowty MRICS **Date:** 14 May 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 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).