



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

Case Reference : **LON/00AJ/LDC/2024/0171**

Property : **1-44 Harborough House, Taywood
Road, UB5 6GW**

Applicant : **Adriatic Land 3 Limited**

Representative : **Trinity (Estates) Property Management
Company Limited**

Respondents : **Various leaseholders of Harborough
House**

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 : **14 May 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 113 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 1-44 Harborough House, Taywood Road, UB5 6GW.**
- (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 **19 June 2024**, is made by R Carpenter of Trinity (Estates) Property Management Company Limited, on behalf of, the freeholder, Adriatic Land 3 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 Trinity (Estates) Property Management Company Limited. The tribunal considered the written bundle of 113 pages, in support of the Application.

Background

The property

5. The Property comprises a modern apartment block consisting of 44 apartments built above an underground carpark.
6. The Application is made for “qualifying works”. The Form notes under “Grounds for Seeking Dispensation”; specifically, “on 7 June 2024, the

Applicant instructed a contractor, “KM Services” to undertake repairs to the Automatic Opening Ventilation System at the Property, to replace the Uninterruptable Power Supply battery backup.”

7. The Application Form notes in the urgency being caused by “risk to life” and so “the Applicant considered it necessary to carry out the works without completing statutory consultation.”
8. The Directions dated **5 July 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 **19 July 2024** and the Tribunal notified as such by the **21 July 2024**.
9. The Directions also note that any leaseholder who opposes the Application should by the **2 August 2024** complete the reply form and return it to the Tribunal. The Landlord may by the **9 August 2024** provide a brief reply to any leaseholder who opposes the Application.
10. The Landlord confirmed to the Tribunal by email dated **24 July 2024** that compliance with the Directions had been carried out. By email dated 7 August 2024 contained in the Bundle [21] , Richard Carpenter of Trinity Estates confirmed that no leaseholder had opposed the works or application.
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 113 pages which includes the Application form, Directions, quotations and a copy of a specimen lease.

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**

14 May 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**