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| Crest |  | FIRST-TIER TRIBUNAL  **PROPERTY CHAMBER**  **(RESIDENTIAL PROPERTY)** |
| **Case reference** | **:** | **LON/00AD/LDC/2025/0668** |
| **Property** | **:** | **1-9 Bowyers Court, 49 Pickford Lane, Bexleyheath, DA7 4QU** |
| **Applicant** | **:** | **Bowyer Court Management Limited** |
| **Representative** | **:** | **Jennings and Barrett Limited** |
| **Respondents** | **:** | **The leaseholders at 1-9 Bowyer Court** |
| **Type of application** | **:** | **Dispensation with Consultation Requirements under section 20ZA Landlord and Tenant Act 1985** |
| **Tribunal member** | **:** | **Judge Robert Latham**  **Matthew Williams MRICS**  **Louise Crane MCIEH** |
| **Venue** | **:** | **10 Alfred Place, London WC1E 7LR** |
| **Date of decision** | **:** | **19 May 2025** |

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| **DECISION** |

The Tribunal grants this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of urgent works to address water ingress.

**The Application**

1. By an application, dated 6 March 2025, the Applicant, Management Company, applied for dispensation from the statutory duty to consult in respect of urgent works in respect of repairs to the roof due to significant water ingress. The application relates to 1-9 Bowyers Court, 49 Pickford Lane, Bexleyheath, DA7 4QU ("the Property"). This is a purpose-built block of 9 flats. The leases are tripartite leases between the Landlord, the Management Company and the Tenant.
2. On 19 December 2024, Jennings & Barrett ("J&B"), the managing agents, wrote to the leaseholders informing them of the issue of water ingress from the roof. On 11 December, Capital Roofing Co Limited had provided an estimate in the sum of £12,015.60 in respect of the works. The works were completed in January 2025. On 12 February 2025, Capital Roofing submitted their invoice in the sum of £12,015.60. The leaseholders of Flats 4, 5 and 7 have confirmed their agreement to the application.
3. In the application form, the Applicant states that it had been expected that the works would be covered by a roofing guarantee. However, the company that had carried out the works has gone into liquidation. The Applicant is considering legal action against the developer and other parties. If further works are required, the Applicant will carry out the statutory consultation.
4. On 25 March 2025, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
5. On 26 March 2025, the Tribunal sent a copy of the application and the directions to then leaseholders who had been named in the application.
6. By 22 April 2025, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.
7. By 6 May 2025, the Applicant was directed to file a bundle of documents. The Applicant filed a bundle of 389 documents which was neither indexed nor paginated as specified by the directions. The Bundle included leases of eight of the nine flats. Only one lease was required. On 15 May, the Applicant provided a further bundle. These applications are extremely straightforward, provided that an applicant complies with the Directions. The Applicant has made unnecessary work for itself.
8. 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.”

1. **The only issue which this Tribunal has been required to determine is whether or not 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.**
2. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
3. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on all the leaseholders at Bowyer Court.

**Judge Robert Latham**

**19 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 **by e-mail** 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).