



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

Case reference : **LON/00BG/LDC/2025/0685**

Applicant : **Academy Court Management (London) Ltd**

Representative : **Butler and Stag Management Ltd**

Respondents : **The Leaseholders of the 22 flats in Academy Court**

Property : **Academy Court Kirkwall Place London E2 0NQ**

Tribunal : **Judge N O'Brien**

Date of determination : **19 May 2025**

DECISION

Decision of the tribunal

1. The Tribunal grants the application for dispensation from the statutory consultation requirements in respect of the subject works namely replacement of the roof of a turret on the subject building.

The Application

2. By an application notice dated 19 February 2025 the Applicant's managing agents applied on behalf of the Applicant pursuant to section 20ZA of the Landlord and Tenant Act 1985 (LTA 1985) for dispensation from the statutory consultation requirements in respect of repair works to Academy Court which is described in the application as a purpose build block consisting of 22 flats. The applicant is the leaseholder owned managing company and is a party to the leases which are in tripartite form. The freeholder is Eccere Developments Ltd. The Respondents are the leasehold owners of the 22 residential units in Academy Court and are described in the application as directors of the Applicant, although it is not clear that that all leaseholders are in fact directors. The Applicant seeks dispensation in relation to the cost of repairs to the roof of

a turret on the roof of the building which is causing water ingress and consequent damage damp and mould in Flat 12, which is sublet. The Applicant is unable to fully comply with the consultation requirements due to the urgency of the works. The works are said to be urgent because they are affecting the health of the occupant and because on 5 February 2025 the London Borough of Tower Hamlets notified the leasehold owner of flat 12 that they consider that the condition of the flat is such that it may but him or her in breach of their licence to let the property. The estimated total cost of the works is £17,200. The Applicant has obtained two quotes before deciding to instruct its contractor, Toucan, to proceed. Temporary repair works were carried out in January 2025.

3. By directions dated 31 March 2025 the Tribunal directed that the Applicant should, by 14 April 2025, send to the leaseholders and the residential sub-lessees and any recognised tenants association the application, and a brief statement explaining the reasons for the application if not already contained in the application, and the directions, by email or post and affix them to a prominent place in the common parts of the property.
4. By email dated 10 April 2025 a Ms Lauren Turvey on behalf of the Applicant's managing agent confirmed that she had served the required documentation by hand delivery and had also emailed the required documentation to each leaseholder and had affixed it to a notice board in the property
5. The directions provided that if any leaseholder or sublessee objected to the application, he or she should inform the Applicant and the Tribunal by 28 April 2025. The Tribunal did not receive any objections to the Application. It received a letter from a Mr Pablo Salanto, a former director of the Applicant but that related to an apparent error on the face of the application. He stated expressly that he did not object to the application for dispensation.
6. The Applicant was ordered to file a paginated electronic bundle. It has failed to do this apparently because the person dealing with the matter on the managing agent's behalf could not merge the documents into one file. The tribunal has considered the documents listed in the bundle index supplied by the Applicant's representative as well as the documents on the tribunal file.
7. The directions provided that the Tribunal would decide the matter on the basis of written representations unless any party requested a hearing. Neither the Applicant nor any of the respondents have requested a hearing.
8. **This determination relates to the works described in the application. It does not relate to whether or not the cost of the works was payable, reasonable or reasonably incurred.**

Legal Framework

9. The Service Charges (Consultation Requirements) (England) Regulations 2003 set out the consultation process which a landlord must follow in respect of works which will result in any leaseholder contributing more than £250 towards the cost. In summary they require the Landlord to follow a three-stage process before commencing the works. Firstly the Landlord must send each leaseholder a notice (usually referred to as a stage 1 notice) of intention to carry out the works and give the leaseholders 30 days to respond. Then the Landlord must supply the leaseholders with a statement with least two estimates for the carrying out of the proposed works, and permit a further 30-day period for observations. Then, if the landlord does not contract with a contractor nominated by the leaseholders or does not contract with the contractor who has supplied the lowest estimate, it must serve a further notice explaining why.

10. Section 20ZA of the LTA 1985 provides:

“Where an application is made to the appropriate tribunal for a determination to dispense with any or all 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”.

11. In *Dejan Investments Ltd v Benson and others* [2013] UKSC 14 the Supreme Court held that in any application for dispensation under s20ZA of LTA 1985 the Tribunal should focus on the extent, if any, to which the leaseholders are or would be prejudiced by either paying for inappropriate works or paying more than would be reasonable as a result of the failure by the landlord to comply with the Regulations. The gravity of the landlord’s failing or the reasonableness of its actions are only relevant insofar as they are shown to have caused such prejudice. The evidential burden of identifying relevant prejudice lies on the tenants but once they have raised a credible case of prejudice, the burden is then on the landlord/applicant to rebut it.

The Decision

12. The Tribunal determines that it will grant the dispensation sought. There is no evidence of any prejudice to the Respondent leaseholders who have not objected in any event. While the Applicant has not fully complied with the consultation requirements they have at least obtained two quotes and have notified the leaseholders of the need for the works to be completed.
13. This determination does not affect the rights of the leaseholders to apply for a determination under s27A of the LTA 1985 in respect of the cost of the works, or the cost of these proceedings, save as to the question of compliance with the consultation requirements.
14. The Applicant is reminded that, as stated in paragraph 8 of the directions, it is the responsibility of the Applicant to serve a copy of this decision on all the affected lessees.

Name: Judge N O'Brien

Date: 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 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).