



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

Case Reference	:	LON/00AG/LDC/2025/0678
Property	:	46-48 Englands Lane, London NW3 4UE
Applicant	:	JM Patel, YM Patel and BC Patel
Applicant Representative	:	Mr Yogeshchandra Patel
Respondents	:	Various Leaseholders of 46-48 Englands Lane (as per the application)
Type of application	:	Dispensation from statutory consultant requirements
Tribunal Member	:	Mrs S Phillips MRICS Valuer Chair
Date of Decision	:	17 June 2025

DECISION

The Tribunal grants the application for retrospective dispensation from statutory consultation in respect of the subject works, namely the renewal of the roof at the Property.

The applicant should place a copy of this decision together with an explanation of the leaseholders' appeal rights on its website (if any) within seven days of receipt and maintain it there for at least three months, with a sufficiently prominent link to both on its home page. It should also display copies in a prominent position in the common parts of the Property.

This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or the cost of the work.

The Application

- 1) The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the **Act**") for retrospective dispensation from consultation in respect of replacing the roof at the Property. This included:
 - a) Preliminaries which included protection for the internal staircase and disposal of materials from site.
 - b) Remove the existing flashing and disposal off site.
 - c) Remove the slates and dispose off site.
 - d) Remove and dispose roof membrane and battens underneath the slates.
 - e) Supply and fit new lead flashing and make necessary adjustments to the wall and roof.
 - f) Flashing around the SVPs.
 - g) Reinstall the slates, felt and battens.
 - h) Carefully remove 3 no bottom courses of the slates and set aside at 3B flats.
 - i) Remove the existing fiberglass gutter and ply, not affecting the structure below .
 - j) Create new fiberglass gutter under the first course of slates on both sides.
 - k) Inspect the condition of the existing roof membrane and battens underneath the slates.
 - l) Reinstall the slates.
 - m) Cleaning all working areas.

- 2) The Service Charges (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any tenant being more than £250. The cost of the works the subject of the application exceed this threshold.
- 3) By directions dated 2 May 2025 (the “**directions**”) issued by the tribunal, they directed the Applicant to prepare a statement of case, provide reasoning for the application and provide any documentation the Applicant wished to rely upon for the application. The tribunal also directed that the Applicant send each of the leaseholders the application, the tribunal’s directions, the Applicant’s statement of case and display the same in the common parts of the Property, confirming to the tribunal that it had done so. The Applicant confirmed to the tribunal on 19 May 2025 that it had complied with this direction (albeit this was not actioned until after 13 May once the Applicant’s Representative had returned from overseas).
- 4) The directions required any leaseholder who opposed, or positively supported, the application that they should tell the tribunal. If they opposed the application, they should send the tribunal and the applicant’s representative a statement responding to the application together with any documents they wished to rely on. The tribunal received no responses from the leaseholders.
- 5) The directions provided that the tribunal would decide the matter on the basis of written submissions unless any party requested a hearing. No such request has been made.

The applicant’s case

- 6) The Applicant is the freeholder of the Property. The Applicant’s Representative submitted an application within which it explained that the roof had experienced three leaks into Flat 3B on the third floor, one of which was by the gas flue area. Any continued leak in this area could lead to the boiler then failing. Following investigations by two of the Applicant’s contractors, the Applicant was notified that replacement of the roof was required as previous repairs had failed.
- 7) The Applicant advised in their application that the main concern was a health and safety related issue to one of the leaks being close to / impacting the gas flue. This therefore made the works urgent in nature.
- 8) On 22 May 2025 a Contractor quoted £19,850.00 exclusive of VAT for the works set out in paragraph 1. This was cheaper than the other quote that the Applicant had arranged. At the date of this decision the Tribunal are

unaware as to whether these works have now been instructed and / or completed.

- 9) Notices of Intention were issued to the leaseholders on 16 May 2025 setting out the works and explaining why they were needed. Notification was separately sent previously stating that an application would be made to the tribunal for dispensation from the section 20 consultation requirements.

The Respondents' case

- 10) There were no responses from the Respondents for the Tribunal to consider.

Determination and Reasons

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

“Where an application is made to a leasehold valuation 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 whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the tribunal is satisfied that it is reasonable for them to be dispensed with.
- 13) The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14 in reaching its decision.
- 14) There is no evidence before the tribunal that the respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements. The tribunal is therefore satisfied that it is reasonable to dispense with all or any of the consultation requirements in relation to the replacement of the roof.
- 15) Whether the works are payable under the terms of the lease, or if the works have been carried out to a reasonable standard or at a reasonable cost are not matters which fall within the jurisdiction of the tribunal in relation to this present application. This decision does not affect the tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness, payability and /or cost of the works.

APPEAL PROVISIONS

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any request for full reasons should be made within a month. Any subsequent application for permission to appeal should be made on Form RP PTA.