



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

Case Reference	:	CAM/12UB/LDC/2025/0631
Property	:	Parkside Place, Cambridge, Cambridgeshire, CB1 1HQ
Applicant	:	Investment Freeholds (Parkside) Limited
Representative	:	Encore Estate Management
Respondents	:	The leaseholders named in the application
Type of application	:	Dispensation with consultation requirements - Section 20ZA of the Landlord and Tenant Act 1985
Tribunal member	:	Judge MacQueen
Date of decision	:	27 June 2025

DECISION

Description of hearing

This has been a determination on the papers which the parties are taken to have consented to, as explained below. A hearing was not held because it was not necessary, and all issues could be determined on paper. The documents that I was referred to are in an indexed bundle from the Applicant. I have noted the contents, and my decision is below.

The tribunal's decision

The tribunal determines under section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of removing and replacing the existing flue to the communal boilers.

The Applicant must send a copy of this decision to each of the Respondents.

Reasons for the tribunal's decision

The application

1. The Applicant applied for dispensation with the statutory consultation requirements in relation to removing and replacing the existing flue to the communal boilers. Any contributions from the Respondents through the service charge towards the cost of these works would be limited to £250 unless the statutory consultation requirements, prescribed by section 20 of the Landlord and Tenant Act 1985 (the “**1985 Act**”) and the Service Charges (Consultation etc) (England) Regulations 2003, were complied with or are dispensed with by the tribunal.
2. This application and decision only relate to those properties within the building that are residential.
3. The Applicant seeks a determination from the tribunal, under section 20ZA of the 1985 Act, to dispense with the consultation requirements. The tribunal has jurisdiction to grant such dispensation if satisfied that it is reasonable to do so.
4. In this application, the only issue for the tribunal is whether it is satisfied that it is reasonable to dispense with the consultation requirements. **This application does not concern any issue of whether any service charges for the costs of the works will be reasonable or payable.**

Background

5. In their application form, the Applicant said the relevant works were urgent. This was due to the flue being in poor condition and if the works to replace it were not completed, then the communal heating system would have to be condemned and the leaseholders would not have heating or hot water. In completing the works, it has been suggested in the application form that doors would also have to be installed prior to the removal of the old flue and installation of the new flue on all four floors so the flue can be accessible for regular joint inspections. The applicant confirmed in the application form that a letter had been sent to the leaseholders to notify them, but a copy of this had not been provided.
6. On 8 May 2025, the tribunal gave case management directions for these dispensation proceedings. The directions required the Applicant to (amongst other things) write to each of the Respondent leaseholders with copies of the application form and details, any other evidence relied upon and the directions. The Applicant confirms they did so on

19 May 2025 by first class post (and by e-mail to those for whom they had an e-mail address).

7. The applicant confirmed in the index page of their bundle that there had been no replies, statements or other documents received from the respondents. The tribunal also did not receive any responses from the leaseholders.
8. In the circumstances, I treat the application as unopposed and, under rule 31(3) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the parties are taken to have consented to this matter being determined without a hearing. This determination is based on the documents in the bundle prepared by the Applicant in accordance with the case management directions. On reviewing these documents, I considered that a hearing was not necessary.
9. The Applicant produced documents for the determination. They supplied a copy of the original application form, the directions, two specimen leases and an email confirming the applicant had complied with paragraph 2 of the directions. The applicant also provided a copy of a letter that was sent to the leaseholders from Encore Estates. This letter detailed the estimate cost of the works being £40,000, it also provided a description of the issues and a description of the relevant works required.

The tribunal's decision

10. This application was not opposed by the Respondents, who have not challenged the information provided by the Applicant, identified any prejudice they might suffer because of the non-compliance with the consultation requirements, given any other reasons why dispensation should not be granted or in these proceedings asked for or provided any other information. In the circumstances, based on the information provided by the Applicant (as summarised above), I am satisfied that it is reasonable to dispense with the statutory consultation requirements in relation to the relevant works.
11. **As noted above, this decision does not determine whether the cost of these works is reasonable or payable as service charges under the leases, only whether the consultation requirements should be dispensed with in respect of them.**
12. The tribunal determines under section 20ZA of the 1985 Act to dispense with all the consultation requirements in relation to removing and replacing the existing flue to the communal boilers.
13. There was no application to the tribunal for an order under section 20C of the 1985 Act. This is to prevent the applicant passing the costs of the

application to the leaseholders through the service charge, if so permitted under the lease.

14. The Applicant shall send a copy of this decision to the Respondents.

Name: Judge MacQueen

Date: 27 June 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).