FIRST-TIER TRIBUNAL

PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AY/LDC/2025/0735**
Property	**:**	**21 Craster Road, Camberwell, London, SW2 2AT**
Applicant	**:**	**SOUTHERN LAND SECURITIES LIMITED**
Representative	**:**	**TOGETHER PROPERTY MANAGEMENT LIMITED**
Respondents	**:**	**(1) Mr and Mrs HARRIS (Flat A)** **(2) Mr Ani and Mrs Alia (Flat B)**
Type of application	**:**	**An Application for a Dispensation Order pursuant to section 20ZA of the Landlord and Tenant Act 1985**
Tribunal member	**:**	**JUDGE SHAW**
Venue	**:**	**PAPER DETERMINATION**
Date of decision	**:**	**7th July 2025**

DECISION

Description of hearing

This has been a determination on the papers, without an oral hearing, which has not been objected to by the parties. A face-to-face hearing was not held because none of the parties requested such a hearing, and all the issues could be determined on paper. The documents submitted to the Tribunal will, as necessary, be referred to below, and all papers submitted have been perused and the contents considered. The order made is described at the end of these reasons.

Decision of the tribunal

The tribunal determines that an order dispensing with the consultation provisions under section 20 of the Landlord and Tenant Act 1985, is appropriate in this case, and makes such order.

The application

1. The application is dated **16th April 2025** and the Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act").

The hearing

2. The Applicant sought a Paper Hearing, which was, as stated above, not objected to by the Respondents.

The background

3. The Applicant landlord has, applied for dispensation from the statutory consultation requirements in respect of works relating to the repainting of a top level flat roof with a primer and then a water proofer. This followed a call on 9th July 2024, from unidentified leaseholders, referred to in the statement supporting this application, to the effect that there had been leakage from the porch roof above the communal door, causing internal wood and plaster to collapse.

4. The remedial work was carried out as above at a cost of £495. There was also some internal damage which was remedied at a further cost of £305. It was expected that this further element would be reimbursed by insurers, but it transpired that the claim fell below the minimal recovery threshold (presumably the excess) as a result of which the actual cost triggered the compulsory consultation process under section 20 of the Act. By the time this was discovered, the work had been completed and no consultation had taken place. Accordingly this application is made retrospectively for dispensation.

5. Directions were given by the Tribunal on **22nd May 2025**, requiring the usual notices of this application to be given and displayed at the premises. The statement by the applicant's agents fails to confirm compliance in this respect, but the tribunal obtained separate confirmation for the agents by e-mail dated 5th June. Another omission in the application is identification of the respondents, which space has been left completely blank. This tribunal is working on the basis that this further omission was rectified by the time of the issue of Directions, as name are supplied in the directions order.

6. The work has in fact been completed, and so far as the Tribunal is aware, no further problems or complaints have occurred.

7. The reason for it not having been practical to give the full 30 day consultation period required under section 20 of the Act in this case is not expressed to be the usual reason of urgency of the works. Rather it is that a wrong assumption was made about the recoverability of part of the cost under an insurance claim – the result of which was to push the overall cost over the statutory limit, and hence this application.

8. The Applicant has informed the tribunal that the leaseholders were appraised of the matter throughout, and no objections expressed.

9. Moreover, Directions were given by this Tribunal on **22nd May 2025**, to the effect that the leaseholders be given notice of this (retrospective) application for dispensation, and offering the chance to object, and to apply for an oral hearing if so desired.

10. No such objections have been received nor any such request made.

The Issues

11. The sole issue in this case is whether the tribunal is satisfied that it is reasonable for the tribunal to dispense with the consultation provisions (section 20 of the Act) which would otherwise have applied to the qualifying works at the property, as described above.

The tribunal's decision

12. The tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in respect of the works to the roof and associated works, as described above. A dispensation order to this effect is therefore made, as set out below.

Brief Reasons for the tribunal's decision

13. As mentioned, Directions in this case were given on **22nd May 2025**. In those Directions, the Respondent leaseholders were given the opportunity both to request an oral hearing and to object to the application for dispensation.. No such request has been received by the Tribunal, nor has the Tribunal been notified of any objection from any of the leaseholder Respondents. The reason this application has been necessitated has been a misunderstanding relating to recoverability of part of the cost of the work by insurers. The Tribunal is satisfied that no prejudice has been caused to the Respondents, as described in the Supreme Court decision of *Daejan Investments v Benson 2013*.

14. DECISION

For the reasons set out above, the tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in relation to above mentioned work to the roof and associated work. A dispensation order to this effect is therefore made. It should be understood that nothing in this Decision precludes the entitlement of the Respondents to challenge the cost, quality, reasonableness or payability of service charges for these works, under the provisions of section 27A of the Act, should they have reason or the desire to do so.

Name: JUDGE SHAW **Date:** 7th July 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.