



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL
PROPERTY)

Case Reference: LON/00BE/LDC/2024/0676

HMCTS code: P: PAPERREMOTE

Property: William Gaitskell House, 23 Paradise Street,
London SE16 4QD

Applicant: Hollybrook (Paradise Street) Limited

Representative : Warwick Estates Property Management
Ltd (Jessica Ward Ref: 30224)

Respondents: The leaseholders of the flats listed in the
schedule to the application

**Type of
Application:** To dispense with the statutory
consultation requirements under
section 20ZA Landlord and Tenant Act
1985

Tribunal member: Judge Pittaway

Date of decision: 20 March 2025

DECISION

Description of hearing

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by any Respondent. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because no-one requested a hearing and all issues could be determined on paper.

The documents to which the Tribunal was referred are in a bundle of 53 pages which included the application dated 6 December 2024, the Tribunal's Directions of 30 January 2025, an undated statement by the Applicant's representative, photographs of a roof, and an objection to the application from Mr Woodman of Flat 3 of 21 February 2025.

The Tribunal has had regard to the above documents in reaching its decision set out below.

DECISION

The Tribunal grants the application for dispensation (which it believes to be retrospective from the limited evidence before it) in respect of the subject works ('the works'), namely the completion of a new flat roof over Flat 6.

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 liability to pay, for a reason other than non-consultation in respect of the subject works, and the reasonableness and/or the cost of the subject works.

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (the '**Act**') for dispensation from consultation in respect of the works to the Property.
2. The Applicant seeks dispensation from the consultation requirements as, at the time of the application, water was pouring into Flat 6 and causing damage. The Applicant wished to make the roof watertight as soon as possible given the then current winter weather conditions.

3. The application stated that the cost of the works was £11,304, and that the works are 'qualifying works'. Service Charges (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if it is planned to carry out qualifying works which would result in the contribution of any tenant being more than £250.
4. The bundle contains no evidence of any section 20 notices having been served before the works were undertaken, nor any evidence that more than one estimate for the works was obtained.
5. By directions dated 30 January 2025 (the '**directions**') the Tribunal directed that the Applicant by 7 February 2025 send each leaseholder, any residential sublessees and to any recognized residents' association the application, a brief statement to explain the reason for the application (if not contained in the application) and the directions, display a copy in a prominent place in the common parts of the property, and to confirm to the Tribunal by 12 February 2025 that this had been done. The applicant confirmed compliance with this direction on 3 February 2025.
6. The directions provided that if any leaseholder/sublessee objected to the application he/she should do so, to the Applicant and the Tribunal, by 21 February 2025. The bundle provided to the Tribunal by the Applicant contains one objection, dated 21 February 2025, by Mr Woodman of Flat 3.
7. The directions allowed the Applicant to send a brief reply to any statement in opposition by 28 February 2025. Warwick Estates replied to Mr Woodman on 3 March, in respect of the late delivery of the application form and the Directions to him and with an explanation as to why the application was being made.
8. The directions provided that the Tribunal would decide the matter on the basis of written representations unless any party requested a hearing. No such request has been made.

The Applicant's case

9. The bundle contains very little information. The application describes the Property as a block of nine residential flats. It confirms that the works are qualifying works, that had not been carried out at the date of the application. It states that the application itself is not urgent although the works themselves are. It states that the freeholder agreed to instruct that the works be carried out at a cost of £11,304.
10. The bundle contains an e mail dated 2 December 2024 from EBM stating that the new roof above Flat 6 has been completed and attaching photographs which are stated to

be of the new roof. It states that an invoice for the works is attached but this is not in the bundle.

Responses from the Respondents

11. The bundle includes one objection, from Max and Anoushka Woodman. They objected to the application on the grounds that they had been unaware of a leak affecting Flat 6 or the need for the works. They objected to the absence of evidence from the Applicant as to why the works were necessary, what works were required, or why the works would cost £11,304. They objected to the application not explaining what consultation process was being dispensed with.

Determination and Reasons

12. 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.”

13. The purpose of section 20ZA is to permit dispensation 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.
14. The Tribunal determines that the Respondents are not prejudiced by the works and it is reasonable to dispense with the consultation requirements.
15. In reaching its decision the Tribunal has considered the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14, and has had regard to the application and the documents provided, in particular the stated need for the works to be undertaken urgently to prevent water ingress to Flat 6. There is no evidence before the Tribunal to contradict the Applicant’s statement that the works were urgently required to make the roof of Flat 6 watertight.
- 16. Whether or not the Respondents are liable for the cost of the works by reason of the terms of their leases, any statutory provision other than section 20ZA, and whether the works are carried out to a reasonable standard and 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 liability to pay and the reasonableness and /or cost of the works.

17. The Applicant is reminded that, as stated in the Directions, it is the responsibility of the Applicant to serve a copy of this decision on all Respondents.

Name: Judge Pittaway Date: 20 March 2025

ANNEX - RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.