

12060



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

**Case Reference** : LON/00 AC/LDC/2016/0108

**Property** : Ground floor flat, 11 Albert Road,  
London NW4 2SH

**Applicant** : Barbara Helen Glass

**Representative** : Ms Sarah Walker, counsel, instructed by  
Spalter Fisher LLP

**Respondents** : Rodney Voyce and Eleanor Voyce

**Representative** : Ms Voyce in person and Mr Matt  
Browne

**Type of Application** : Dispensation from consultation  
requirements under section 20ZA  
Landlord and Tenant Act 1985

**Tribunal Members** : Mr Charles Norman FRICS (Valuer  
chairman)  
Mr Anthony Harris LLM FCIArb FRICS

**Date of Decision** : 4 December 2016

**Determination by Written Representations**

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**DECISION**

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## **Decision**

1. The Tribunal determines that the application should be **GRANTED** unconditionally.

## **Reasons**

### **Background**

2. This application is supplemental to that in case reference LON/00/00 AC/LSC/2016/0106 (payability of service charges under section 27A of the 1985 Act) with which Decision (the “main decision”) it should be read. Although the section 20ZA application was handed up during the substantive hearing for the main Decision, the Tribunal decided that it should be dealt with as a separate application on the paper track. Directions were issued on 17 October 2016.
3. The facts are stated in the main decision and are not repeated here.
4. The landlord was directed to send a copy of the application to the other tenant by 24 October and invite responses by 31 October 2016. No response was received.

### **The Parties’ Cases**

5. These are set out in Scott Schedule to the main decision.

### **The Law**

6. Section 20ZA is set out in the appendix to this decision. The Tribunal has discretion to grant dispensation when it considers it reasonable to do so.

### **Reasons**

7. The Tribunal considers that should it be found that the initial section 20 notice could not be relied upon (contrary to its findings in the main decision), the respondents suffered no prejudice because (i) the breach resulted at most in a two-day reduction in the time allotted for the respondents’ response (ii) the respondents did not put forward their own contractors (iii) the contractor chosen was the landlord’s least expensive (iv) there was no response to the Statement of Estimates (v) that the other lessee has not responded to the application.
8. For each of the above reasons the Tribunal concluded that it was reasonable to grant the dispensation sought unconditionally.

C Norman FRICS  
Valuer Chairman

4 December 2016

## **ANNEX - RIGHTS OF APPEAL**

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.

### **Appendix**

#### **Section 20ZA Landlord and Tenant Act 1985**

(1)Where an application is made to [the appropriate 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.

(2)In section 20 and this section—

“qualifying works” means works on a building or any other premises, and  
“qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

(3)The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—

- (a)if it is an agreement of a description prescribed by the regulations, or
- (b)in any circumstances so prescribed.

(4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

(a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,

(b) to obtain estimates for proposed works or agreements,

(c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,

(d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—

(a) may make provision generally or only in relation to specific cases, and

(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.