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

**Case Reference** : **LON/OOAW/LDC/2013/0049**

**Property** : **74 Cadogan Square, London, SW1X  
OEA**

**Applicant** : **Northumberland and Durham  
Property Trust Limited**

**Representative** : **Douglas & Gordon**

**Respondent** : **The leaseholders of the subject flats  
as set out on the schedule to the  
application**

**Representative** : **Not applicable**

**Type of Application** : **An application for dispensation  
under section 20ZA of the Landlord  
and Tenant Act 1985**

**Tribunal Members** : **Ms N Hawkes  
Ms A Flynn MA MRICS**

**Date and venue of  
Hearing** : **10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **15.7.13**

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**DECISION**

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## **The application**

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) that it is reasonable to retrospectively dispense with the statutory consultation requirements pursuant to section 20 of the 1985 Act in respect of refurbishment work which has been carried out to a caretaker’s flat at a total cost of £4,280.54.
2. No party has requested an oral hearing pursuant to Paragraph 6 of the Directions dated 23<sup>rd</sup> May 2013.
3. Section 20ZA of the 1985 Act is set out in the Appendix to this decision.

## **The background**

4. The property which is the subject of this application is a period conversion on the Cadogan Estate comprising eight flats with an additional caretaker’s flat in the basement.
5. The Applicant states that the cost of refurbishment work which was carried out to the caretaker’s flat escalated over the consultation threshold without the Applicant’s knowledge and that no consultation was therefore carried out.
6. The Applicant also states that all of the Respondents have been made aware of this oversight and that they have verbally agreed that irrespective of the failure to comply with the consultation requirements the caretaker should be refunded the cost of the work on this occasion. The Respondents have since completed Reply Forms stating that they support this application for dispensation.

## **The Tribunal’s decision**

7. Having considered the application and the documentary evidence in support supplied by the Applicant and having taken into account, in particular, the fact that the Respondents support the application and are not known to have suffered any prejudice, the Tribunal determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of this work.
8. This decision does not concern the issue of whether any service charge costs will be reasonable or payable and these matters remain open.

N Hawkes

15<sup>th</sup> July 2013

## **Appendix of relevant legislation**

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

(1) 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.

(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.