



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

Case Reference : **LON/00AH/LDC/2015/0129**

Property : **2 Newhaven Road South Norwood
SE25 6JQ**

Applicant : **Amicus Horizon Limited**

Representative :

Respondents : **Mr SW and Mrs SC Tipple(1)
Mr R Haley (2)**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Judge : **Judge Carr**

Date of Decision : **21 December 2015**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) ("the 1985 Act") for the dispensation of any or all of the consultation requirements. The property concerned is 2 flats in a converted 1930s house.
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of qualifying works in relation to the investigation of causes and possible remedies to the collapse of the floor to the communal areas.

The background

4. The application was dated 23 October 2015 although was not received by the tribunal until 4th November 2015. Directions were made dated 12 November 2015 which provided for the Respondents to indicate whether they consented to the application and wished to have a hearing.
5. As none of the parties requested an oral hearing this matter was considered by way of a paper determination on 23 March 2015.
6. The Tribunal did not consider that an inspection was necessary given the nature of the works in question, nor would it have been proportionate to the issues in dispute.
7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant's case

8. The Applicant had filed a bundle in accordance with the directions.
9. The Applicant needed to investigate the causes of a floor collapse in the communal areas of the property. This was urgent as there was a possibility of asbestos being present in the floor due to the age of the building. The investigative works have been carried out and the Applicant has commenced consultation procedures in connection with

the remedial works. This application relates only to the investigative works.

The Respondents' position

10. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

The Tribunal's decision

11. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the investigative works.
12. It should be noted that this determination does not preclude an application from the leaseholders in connection with the reasonableness and payability of service charges in connection with these works.

Reasons for the Tribunal's decision

13. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
14. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
15. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Name: Judge Carr

Date: 21 December 2015