



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

**Case Reference** : **LON/00AL/LDC/2015/0009**

**Property** : **Flats A-F, 115 Charlton Road,  
Blackheath, London SE3 8TL**

**Applicant** : **115 Charlton Road Residents  
Limited**

**Representative** : **Mr Tom Mitchell of RBMS Limited**

**Respondents** : **Various leaseholders as set out in  
the schedule attached to the  
application**

**Representative** : **None**

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

**Tribunal Member** : **Judge O'Sullivan**

**Date of Decision** : **23 February 2015**

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**DECISION**

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## **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 described in the application as a converted house containing 6 long leasehold flats, a mixture of 1 and two bed known as Flats A-F, 115 Charlton Road, Blackheath, London SE3 8TL (the “Property”) and the application is made against the various leaseholders in the schedule attached to the application form (the “Respondents”).
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 to be carried out.

## **The background**

4. The application was dated 15 January 2015. Directions were made dated 21 January 2015 which provided for the Applicant to serve a copy of the directions on all Respondents and for them to then indicate whether they consented to the application and wished to have a hearing.
5. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 23 February 2015.
6. The Tribunal did not consider that an inspection was necessary, 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 and included a statement of case dated 3 February 2015.
9. It was confirmed by Mr Mitchell of RBMS Ltd, the managing agents, by letter dated 26 January 2015 that the directions were served on all leaseholders and that a copy of the directions was also displayed on the notice board in the communal hallway.

10. It is submitted that water leaks through the roof of the building and into the top floor flat (Flat F) every time it rains, causing damage to Flat F. It is therefore contended that roof repairs are urgently required. The works are isolated roof repairs to the chimney on the roof above Flat F to include the erection of scaffolding, repairs to the chimney and replacement lead flashing.
11. The Applicant included two quotations for the works in the bundle; a quotation from Sean O'Shea in the sum of £2,600 plus Vat and a quotation from the Wright Roofing Co in the sum of £2,320 plus Vat.
12. A notice of intention to carry out the works was served on the leaseholders on 15 January 2015. However the Applicant says that due to the urgent nature of the works required dispensation is also sought as further damage will be caused by the delay in completing dispensation.

### **The Respondents' position**

13. 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. It should be noted that the leaseholder of Flat E completed the form and indicated that they supported the application.

### **The Tribunal's decision**

14. 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 works outlined above and set out in the Notice of Intention dated 15 January 2015.

### **Reasons for the Tribunal's decision**

15. 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*".
16. 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.
17. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder. The tribunal would indicate however that if there are any further works at the Property which may become

necessary due to the age and general condition these should form part of a proper planned consultation.

18. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.

**Application under s.20C**

19. There was no application for any order under section 20C before the tribunal.

**Name:** S O'Sullivan

**Date:** 23 February 2015