



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

Case Reference : **LON/00AP/LDC/2015/00132**

Property : **Cedar Court, Colney Hatch Lane
London N10 1EE**

Applicant : **Bakerloo Limited (the landlord)**

Representative : **J.S.Estates (Mr J Goldmeier)**

Respondents : **Various leaseholders**

Representative : **None**

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

Judge : **Judge Carr**

Date of Decision : **21st 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 a purpose built block of 64 flats, 34 of which are retained by the freeholder.
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 additional works of repair to rotten timber joists discovered in the course of major works of repairs and maintenance to the property. The major works have been the subject of consultation but the consultation did not and could not anticipate the need for repair to the timber joists.

The background

4. The application was dated 10th 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 21 December 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 landlord has been carrying out a programme of major works at the subject property since 20 July 2015 in respect of which it has properly consulted the leaseholders pursuant to section 20 of the Landlord and Tenant Act 1985. That programme of works is almost complete but the landlord has discovered additional work is needed to repair rotten timber joists which were discovered by the contractors who were carrying out the original programme of major works in September 2015.
10. The landlord seeks an urgent determination because the repair works can be carried out immediately by the same contractors who have been carrying out the original works. The weekly scaffolding charges will be limited if the extra works can be carried out without the need for a further statutory consultation.
11. The landlord wrote to the leaseholders on 29th October 2015 to advise them of the requirement for additional works and asked them to consent to the dispensation from consultation in connection with those works.
12. The landlord considers there will be no prejudice to the leaseholders if the consultation requirements are dispensed with.

The Respondents' position

13. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case.
14. No statements of case were received from any Respondents setting out opposition to the application for dispensation. A large number of consents to the application were received (20+).
15. A few Respondents expressed concern about the costs and the phasing of the payments, but these concerns did not prevent them from agreeing with the application. Therefore the Tribunal concludes that the application is unopposed.

The tribunal's decision

16. 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 proposed works.
17. 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

18. 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*". 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. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Name: Judge Carr

Date: 21 December 2015