



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

Case Reference : LON/00AR/LDC/2015/0070 & 0077.

Property : Leasehold Flats at Victor Close
Hornchurch, Essex RM12 4XU

Applicant : Hastoe Housing Association

Representative : Stephens Scown LLP.

Respondent : Various leaseholders as per the
application dated 16 July 2015.

Representative : In Person

Type of Application : Dispensation from the
requirements to consult under
S.20ZA of the Landlord & Tenant
Act 1985.

Tribunal Members : Ms. A. Hamilton-Farey
Ms. S. Coughlin MCIEH

Date of Decision : 28 August 2015.

**DECISION IN RELATION TO S.20ZA LANDLORD AND TENANT
ACT 1985.**

Decision:

- a. The tribunal determines that the applicants complied sufficiently with the requirements to consult under S.20 of the Landlord & Tenant Act 1985, and that the application for dispensation is not necessary.

Background:

1. The tribunal received an application for a determination of the liability of leaseholders to pay service charges under S.27A of the Landlord & Tenant Act 1985. As part of that application the applicants also applied under S.20ZA in the event that the tribunal determined deficiencies with the consultation process under S.20 of the Act.
2. The tribunal was aware that several applications in relation to service charge liability and dispensation have been made in relation to this development. In addition various schemes of work, including window, door, balcony and lift replacement contracts have all been undertaken. This has led to some of the respondents being confused as to which scheme of work this application relates to. For the avoidance of doubt, this application relates only to the contract undertaken in respect of cyclical maintenance to windows and doors.
3. The applicants' case is that they complied with all of the requirements to consult under S.20. However, they consider that their Notices of Intention could have been more clear when referring to Cyclical Maintenance, and that the heading could have referred to the window and door contracts instead of just cyclical maintenance.
4. Directions were issued by the tribunal on 7 July 2015, further Directions were issued on the 21 July 2015. These required amongst other things that, if any of the respondents objected to the application they should inform the tribunal. Additional time was given to the respondents to make their response to the application.
5. The tribunal received some responses, but these did not relate to the window and door works, and referred to lift replacement and balcony works. The tribunal received no responses from the respondents in relation to the door and window works.
6. The tribunal must be satisfied that no prejudice would be suffered by any of the respondents following the decision in *Daejan v Benson*. In this instance, the tribunal can find that no prejudice has been suffered by respondents; they have not raised any objections with respect to the works; nor identified any actions that might have been taken differently.
7. The tribunal is satisfied that the omission from the heading of the Notice of Intention is not so significant as to render the S.20 process invalid. In the circumstances the tribunal considers that the applicants complied sufficiently with the consultation requirements

and that as a result dispensation from those requirements is not necessary.

Name: A. Hamilton-Farey

Date: 28 August 2015