



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

Case reference : LON/00AN/LDC/2016/0012

Property : 156-158 Wandsworth Bridge Road,
Fulham, London SW6 2UH

Applicant : Southern Land Securities Limited

Representative : Hamilton King Management
Limited (managing agents)

Respondents : The lessees listed in the schedule to
the application

Type of application : To dispense with the requirement
to consult leaseholders

Tribunal Member : Judge N Hawkes

Venue : 10 Alfred Place, London WC1E 7LR

**Date of paper
determination** : 10th March 2016

DECISION

Background

1. The applicant has applied to the Tribunal under S20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to 156-158 Wandsworth Bridge Road, Fulham, London SW6 2UH ("the Property").
2. The Tribunal has been informed that the Property comprises a mid-terrace building built circa 1880 which has been converted to contain five self-contained flats and a commercial unit.
3. The application is dated 22nd January 2016 and the respondent lessees are listed in a schedule to the application.
4. Directions of the Tribunal were issued on 3rd February 2016. The applicant has requested a paper determination. No application has been made by any of the respondents for an oral hearing. This matter has therefore been determined by the Tribunal by way of a paper determination on Thursday 10th March 2016.
5. The Tribunal did not consider that an inspection of the Property would be of assistance nor would it have been proportionate to the issues in dispute.

The applicant's case

6. The applicant applies for dispensation from the requirements to consult leaseholders under section 20 of the 1985 Act in respect of work to the roof of the Property.
7. The grounds for seeking dispensation are set out in the application as follows:

"We were made aware on 2nd of November 2015 that the roof was leaking and affecting flat 5. Due to the height of the building contractors advised us that scaffolding would be required, after obtaining two quotations (copies of which are enclosed) for the scaffolding Maguire Brother erected scaffolding on the 15th of December 2015. Investigations then took place and it was found that works to the abutment of the flat dormer roof and the pitched roof are required. Both the contractors provided us with quotations for this work, due to the nature of the ingress and the continual damage it was causing to the building we asked Maguire Brother to proceed with the quotation right away. The works were completed on 14th of January 2016.

No consultation has taken place due to the urgency of the works. We had received confirmation from the lessee of flat 5 that the works are of urgent nature and therefore we acted accordingly.

...The works were urgently required and the go ahead has been given to the contractor to prevent further damage to the building."

The respondents' case

8. None of the respondents have filed written representations opposing the application.

The Tribunal's determination

9. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.
10. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
11. Section 20ZA of the 1985 Act provides that, where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
12. Having considered the application; the evidence in support; and the lack of any opposition on the part of the respondents; I accept that the qualifying works described in the applicant's application of 22nd January 2016 were urgently required and I determine, 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.
13. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**

Judge N Hawkes

Date 10th March 2016

ANNEX - RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.