



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

Case Reference : **LON/00AWLDC/2016/0111**

Property : **15-19 Cranley Gardens, London,
SW7 3BD**

Applicant : **The Wellcome Trust Ltd (as
trustees of the Wellcome Trust)**

Representative :

Respondent : **Various leaseholders as per the
application**

Representative :

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

Tribunal Members : **Judge Samupfonda
Mr Trevor Sennett MA, FCIEH**

**Date and venue of
Hearing** : **28 November 2016
10 Alfred Place, London WC1E 7LR**

Date of Decision : **28 November 2016**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the Act”) for the dispensation of any or all of the consultation requirements. The Building concerned is described as a masonry/brick building built in early 1900’s and converted into 19 flats spread over 6 floors (including lower ground) (“the Building.”)
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.

The background

3. The application is dated 12 October 2016 and was received on 14 October 2016. Directions were made dated 21 October 2016 which provided for the Applicant to serve a statement of case on the Respondents and for them to then indicate whether they consented to the application and wished to have a hearing.
4. No leaseholder has objected to the application.

The hearing

5. In accordance with the Directions the matter was determined on the basis of written representations on 28 November 2016.
6. The tribunal did not consider that an inspection was necessary and neither party requested it.

The issue

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. In accordance with the Directions, the Applicant filed a bundle that included colour photographs showing details of the roof flashings, soakers and damage within a flat. In summary, the Tribunal was informed that water is affecting Flat 11 and the Flat below due to defective/and or inadequate flashings and soakers around the external mansard.
9. The tribunal has been provided with copies of the correspondence sent to the leaseholders regarding the matter and the urgent works required.

10. The tribunal was informed that two quotations were obtained from Masterfix and Proact in the sums of £5,742.50 and £7,295.
11. The agent for the Applicant indicated to the leaseholders in a letter dated 20 October 2016 the proposal is for the cost of the work to be met from the external reserve fund to enable the contractor to start as soon as possible.
12. The Applicant did not carry out any consultation pursuant to section 20 of the Act but did inform the leaseholders via the letter dated 20 October 2016.

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.

The Tribunal's decision

14. The tribunal determines that it is reasonable to make an order for dispensation under section 20ZA of the Act, dispensing with all of the consultation requirements in relation to the works outlined in the quotes from Masterfix and Proact.

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. In making its decision the tribunal had regard to the fact that the works are considered to be urgently required to deal with water penetration ingress into Flat 11 and to prevent further damage.
17. No objections to the application were received and no applications were made for an oral hearing. There was no evidence before the tribunal indicating that any leaseholders would be prejudiced by the grant of dispensation.
18. The tribunal would stress that it is not making any assessment of the reasonableness of the charges and a challenge to those charges may be raised pursuant to section 27A of the 1985 Act in the future.
19. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Name: Judge Samupfonda

Date: 28 November 2016