



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

Case reference : LON/00AP/LDC/2017/0025

Property : 284-288 Muswell Hill Broadway,
London N10 2QR

Applicant : Lower Muswell Hill Ltd

Representative : Mr M Frenkel

Respondent : Ms D Karadimitriou, Mr O
Herrington and Ms M Lloyd

Representative :

Type of application : For the dispensation of some of the
consultation requirements under
s.20 Landlord and Tenant Act 1985

Tribunal members : Simon Brilliant

Venue : 10 Alfred Place, London WC1E 7LR

Date of decision : 20 April 2017

DECISION

Decision of the Tribunal

The Tribunal determines that those parts of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by section 20 of the Act. The application was dated 3 March 2017 and was received on 6 March 2017.
2. Directions of the Tribunal were issued on 10 March 2017.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

The hearing

4. The matter was determined by way of a paper hearing which took place on Thursday 20 April 2017.

The background

5. 284-288 Muswell Hill Broadway, London N10 2QR ("the property") which is the subject of this application is described in the application as an estate agent's office with two flats above. The commercial tenant pays 50% of the service charges and the residential tenants 25% each.
6. The issue relates to urgent repairs to the drains. On 5 January 2017 the commercial tenant complained of a foul smell from the drains at the rear of the property. On 6 January 2017 contractors advised that there was a blockage in the drains and that effluent was coming up into the inspection chamber. The contractors advised that the matter should be referred to a drainage contractor and that a CCTV survey be carried out.
7. Quotes were obtained from two drainage contractors. The cheaper quote was accepted from Lanes Group plc. This quote did not engage section 20. But when Lanes Group plc attended it became apparent that a jet wash would be required to clear the blockage before the CCTV camera survey could be completed. The combined cost was estimated at £1,254.00 including VAT, so section 20 became engaged. The survey was carried out on 22 March 2017, and quotations are awaited for what are understood to be minor repairs to the drains.

The Respondents' submissions

8. No notice was received from any of the Respondents opposing the application.

Decision of the tribunal

9. Section 20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) 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. Dispensation is dealt with by section 20ZA of the Act which provides:-

"Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements"
11. The Tribunal is satisfied that, in the particular circumstances of this case involving a real risk to public health, it is reasonable to dispense with the requirements and determines that in respect of the work carried out and to be carried out to repair the drains those parts of the consultation process under the Act as set out in The Service Charges (Consultation Requirements) (England) Regulations 2003 which have not been complied with may be dispensed with.
12. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

Name: Simon Brilliant

Date: 20 April 2017