



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

**Case Reference** : **LON/OOAS/LDC/2019/0010**

**Property** : **Drayton Garden Village , West  
Drayton, Middlesex, UB7**

**Applicant** : **Southern Land Securities Limited  
("the Landlord")**

**Representative** : **Ringley Law LLP**

**Respondents** : **The Estate Charge Payers as set out  
in the schedule accompanying this  
application ("the tenants")**

**Representative** : **N/A**

**Type of Application** : **For dispensation from the  
consultation requirements under  
section 20ZA Landlord & Tenant  
Act 1985**

**Tribunal Member** : **Judge Jim Shepherd  
Mrs Alison Flynn MA MRICS**

**Date of Decision** : **29<sup>th</sup> March 2019**

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**DECISION**

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## **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 dispensation from all or part of the consultation requirements imposed on the landlord by section 20 of the 1985 Act<sup>1</sup>.
2. The applicant is an Estate Management Company that manages the common areas of Drayton Garden Village, West Drayton, UB7 (“the Estate”). The Respondents are the residents on the estate. There are 783 units on the estate, including private leasehold flats, freehold houses, housing association units and commercial premises.
3. The estate has experienced a rise in anti-social behaviour recently which culminated in a robbery on 19<sup>th</sup> January 2019. Individuals detonated an explosive object to rob an ATB cash machine located outside Sainsbury’s on the estate. This along with alleged drug dealing and a recent stabbing have caused some concern amongst residents and some members of the residents committee have sought further security in the form of an upgraded CCTV system. The Estate Management Company wants to install 51 new cameras and related equipment. This will improve security on the estate contingent with that of the local authority, Hillingdon.
4. The Estate Management Company has obtained three estimates for the proposed work and has awarded the contract to the most competitive contractor, DSSL Group Limited who will commence work in the week beginning 1<sup>st</sup> April 2019.
5. According to the Estate Management Company they carried out informal consultation with residents after a meeting on 28<sup>th</sup> November 2018. They also served notice pursuant to section 20 of the Landlord and Tenant Act 1985 on 18<sup>th</sup> January 2019. The statements of estimates were sent on 20<sup>th</sup> February 2019. Tenants were informed that an application had been made under s 20ZA, who the preferred contractor was and that the contribution for most residents would be around £60.
6. Although all of the 783 units were written to very few responded. Apparently there was only one objection to the proposal as of 6<sup>th</sup> March 2019. An email dated February 8<sup>th</sup> 2019 states merely that the proposed works would be “ineffective and a waste of money”. The tribunal itself has received a relatively small number of response forms which all support the landlord’s application for dispensation. There has been no formal

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<sup>1</sup> See **Service Charges (Consultation Requirements) (England) Regulations 2003 (SI2003/1987) Schedule 4, Part 2.**

opposition to the application by the tenants following directions given and therefore no submissions in relation to any potential prejudice suffered.

7. The Estate Management Company seeks dispensation from the statutory consultation requirements on the basis of urgency and the fact that the tenants have not suffered any prejudice. Indeed they say that the residents have been both informally and formally consulted and that the contract has been awarded to the most competitive contractor.
8. The tribunal did not consider that an inspection of the Building was necessary, nor would it have been proportionate to the issues in dispute.
9. The only issue for the tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements of section 20 of the 1985 Act. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

### **The Tribunal's decision**

10. 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 CCTV works outlined above and as set out in the application notice.

### **Reasons for the Tribunal's decision**

11. 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”*.
12. In making its decision the tribunal had regard to the fact that the applicant has sought to engage with the statutory consultation process, having sent the tenants both an initial s.20 Notice and a second notice of estimates.
13. The Tribunal is satisfied that in light of the recent incidents of anti - social behaviour and criminality it is entirely sensible to seek to protect residents on the estate in parity with the local authority. The Tribunal is aware in particular of the recent wave of stabbing incidents in London and accordingly urgent and appropriate security measures are eminently sensible.
14. The tribunal has not received a response from any of the lessees indicating whether or not they oppose this application. In any event it is not considered that the lessees have suffered any particular prejudice as a

result of the failure to follow the correct consultation procedure (see Daejan Investments Ltd v Benson [2013] UKSC 14.)

15. The parties should note that this decision does not concern the issue of whether any service charge costs will be reasonable or payable. The tenants have the right to challenge such costs by way of a separate application if they so wish.

**Name:** Jim Shepherd

**Date:** 29<sup>th</sup> March 2019