



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

**Case Reference** : **LON/00AY/LDC/2020/0013**

**Property** : **32 Northlands Street  
Camberwell  
London SE5 9PL**

**Applicant** : **Together Property Management  
Limited**

**Respondents** : **Various Leaseholders, see Annexe A**

**Type of Application** : **Under section 20ZA of the  
Landlord and Tenant Act 1985  
(‘the Act’) for dispensation from  
the consultation requirements in  
respect of qualifying works**

**Date of Application** : **3 January 2020**

**Date of Decision** : **11 February 2020**

**Tribunal** : **Mrs A J Rawlence MRICS**

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**DECISION**

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## DETERMINATION

**The Tribunal grants dispensation from the consultation requirements contained in section 20 of the Act and the associated Regulations in respect of the qualifying works, the subject of the Application.**

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

#### **Introduction**

1. On 3 January 2020 Together Property Management Limited ('the **Applicant**') applied to the Tribunal ('the **Application**') for an order under section 20ZA of the Act dispensing with the consultation requirements contained in section 20 of the Act and associated regulations in respect of 32 Northlands Street, Camberwell, London SE5 9PL ('the **Property**'). The Respondents are the leaseholders of the three flats at the Property.
2. Section 20ZA (1) of the Act provides as follows:

*'(1) Where an application is made to the appropriate 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 do so.'*
3. The works the subject of the Application, which had been completed by the date of the Application, involved the erection of scaffolding, repairs to tiles, clearance of the valley and replacement lead flashings at the rear of the Property. The Applicant stated that the reason for the urgency was that the top floor flat was being affected by water ingress from the roof. Further details are contained in the paragraphs containing the Applicant's submissions (see below).
4. The Applicant requested a paper track (i.e. on the basis of the written submissions of the parties).
5. Directions were issued by the Tribunal dated 14 January 2020.
6. The Tribunal proceeded to determine the Application without an inspection as photographs had been supplied by the Applicant along with an invoice detailing the works.

#### **The relevant lease provisions**

7. The Tribunal was provided with a copy of the Lease for Flat 1, 32 Northlands Street, Camberwell, London. The Lease is dated 6 January 2006 and is made between Fairmile House Properties Limited (Landlord) and the respective Tenant. In consideration of a premium and the payments of a ground rent and a service charge, the Lease grants the Property to the Tenant for a period of 99 years from 29 September 2005.

8. It is assumed that the remaining leases are similar in all material respects.
9. Paragraph 4 of the Lease states the Landlord's Covenants:  
  
*4.3 to observe and perform the obligations contained in the first and second schedules.*
10. The First Schedule of the lease defines the Services:
  1. *To maintain and keep in good and substantial repair and condition and renew or replace when required the Main Structure the Common Parts and any Pipes used in common by the Tenant and other tenants of the Building and which are not expressly made the responsibility of the Tenant .....*
11. The Tenant covenants to pay the service charge which shall mean the amounts properly certified in according with provisions of Second Schedule.
12. The mechanism for the payment of a maintenance charge is also found in the Second Schedule.

### **The Applicant's submissions**

13. The Applicant is responsible for the maintenance of the main structure which includes the roof.
14. On 15 October 2019, the Applicant was made aware that the top floor flat of the building was experiencing a leak from the roof.
15. A roofing contractor inspected the roof and stated that, in order to undertake repairs safely, scaffolding would need to be erected. Darren Hall Roofing supplied a quotation on 28 October 2019.
16. The Applicant contacted the agent for the top floor flat on 29 October 2019 to make them aware of the quotation that had been received and to find out how urgently the work was required.
17. On 3 December 2019 the agent responded to state the water was coming through the bathroom ceiling with the light socket being affected. This caused the electricity to trip when it rained.
18. By email on 6 December 2019 all three leaseholders were advised of the required work, the need to carry the works out straight away and the intention to make an application to the First Tier Tribunal to dispense with the consultation process.
19. The works were completed on 19 December 2019 and since then there has been no further reports of water ingress to the property.
20. The Tribunal notes that there have been no representations from any of the Respondents.

## **The Tribunal's Determination**

21. The Tribunal was provided with evidence that the work was urgent to prevent continued water ingress into the top floor flat and because of the danger to the electrical supply.
22. It is not the concern of the Tribunal, in any case, as to whether the cost was reasonably incurred. The Respondents retain the right to challenge the cost by making an application under section 27A of the Act at a later date. The question before the Tribunal is whether it is reasonable, in the circumstances of the case to dispense with the consultation requirements. The Tribunal therefore determines that it is just and equitable that dispensation is granted from the consultation requirements contained in section 20 of the Act and the associated regulations requested by the Application.

A J Rawlence MRICS – Chairman.

### **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.

## Annexe A

Flat 1 - Miss Broomhead

Flat 2 - Mr and Mrs Kusimo

Flat 3 - Mr and Mrs Kusimo