



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

Case Reference : **LON/00AG/LDC/2021/0211**

HMCTS code : **P: Paperremote**

Property : **Leigh House, 73 South End Road,
London NW3 2RJ**

Applicant : **Southern Land Securities Limited (“the
Landlord”)**

Representative : **Together Property Management Limited**

Respondents : **All leaseholders of the premises (“the
tenants”)**

Representative : **N/A**

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

Tribunal Member : **Tribunal Judge Dutton**

Date of Decision : **4 October 2021**

DECISION

This has been a remote determination on the papers, which has not been objected to by the parties. A face-to-face hearing was

not held because it was not practicable and all issues could be determined on papers before me as was requested by the applicant in its application. The documents that I was referred to are in a bundle of some 56 or so documents, the contents of which I have noted.

Decision

I determine that dispensation should be granted from remainder of the consultation requirements under s20 of the Landlord and Tenant Act 1985 (the Act) and the Service Charges (Consultation Requirements)(England) Regulations 2003 for the reasons I have stated below.

The application

1. The applicant landlord sought dispensation from the consultation provisions in respect of water ingress prevention works to the property at Leigh House, 73 South End Road, London NW3 2RJ (the Property). The Property is a Grade Two listed semi-detached converted townhouse built around 1920 containing four flats, each owned by a Respondent tenant.
2. From the papers provided to me it appears that in May 2021 there was water ingress into the kitchen of flat 4 via the chimney stack. Contractors were called and a s20 Notice was issued on 24 May 2021 and a Notice of Estimates provided on 19 July 2021, showing two quotes, the lowest being from Hamilton Roofing in the sum of £1,785 plus VAT. Subsequently, because of further inclement weather, it was decided to proceed with the works as there had been further water ingress. An invoice from Hamilton Roofing dated 5 August 2021 is produced confirming the cost as £2,142 inclusive of VAT. This followed the decision made on 27 July 2021 to proceed with the works to prevent further internal damage. The leaseholders appear to have been kept fully informed.
3. The Directions dated 24 August 2021 provided for the tenants to be informed of the application and to be provided with a copy of the directions and a brief statement and I am told by the managing agent that this was done on 24 August 2021. I am not aware of any response from a leaseholder to the application.
4. I did not consider that an inspection of the Property was necessary, nor would it have been proportionate to the issues in dispute.

5. The only issue for me to consider is whether 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.**

Findings

6. In making its decision I have borne in mind that there does not appear to have been any objection to the works.
7. The Law applicable to this application is to be found at s20ZA of the Act. The decision of the Supreme Court in Daejan Investments Limited and Benson and others [2013] UKSC 14 has been considered by me in reaching my decision. There has not been any allegation of prejudice to the leaseholders as set out in the Daejan case. It is clear to me that the chimney and surround required immediate attention to maintain the Property and to prevent further internal damage to flat 4. I therefore find that it is reasonable to grant dispensation from the remainder of the consultation requirements required under s20 of the Act. The leaseholders did receive the Initial Notice and the confirmation of Estimates obtained.
8. My decision is in respect of the dispensation from the provisions of s20 of the Act only. Any concern that a Respondent has as to the standard of works, the need for them and costs will need to be considered separately.

Andrew Dutton

**Name: Tribunal Judge
Dutton**

Date: 4 October 2021

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 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 to 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 (ie 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**