



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

**Case Reference** : **LON/00AY/LDC/2020/0217  
P:REMOTE**

**Property** : **Flats 2-12 Gipsy Road, London,  
SE27 9TF**

**Applicant** : **The Mayor and Burgesses of the  
London Borough of Lambeth**

**Representative** : **Lauren Bailey**

**Respondents** : **Mr Joel Hooks (leaseholder of Flat  
6), Mr Robert Berkeley  
leaseholder of Flat 8) and Ms  
Coreen Docherty (leaseholder of  
Flat 10)**

**Representative** : **Not represented**

**Type of  
Application** : **S20ZA Landlord and Tenant Act 1985**

**Tribunal Member** : **Judge F J Silverman MA LLM**

**Date of paper  
consideration** : **14 June 2021**

**Date of Decision** : **14 June 2021**

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## DECISION

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The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985 on the grounds that the works proposed by the Applicant were required urgently to maintain the safety of the building for its residents. No objections were received to the application.

## REASONS

1. By an application made to the Tribunal on 13 November 2020 the Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. Directions were issued by the Tribunal on 23 November 2020 and 23 February 2021.
3. This matter was determined by a paper consideration P:REMOTE on 14 June 2021 at which the Tribunal considered the Applicant's application and accompanying documents.
4. The Directions issued by the Tribunal had been sent by the Applicant to all Respondents asking them to respond and to indicate whether or not they opposed the application. A notice of intention to do works had also been served but no further consultation took place in view of the urgency of the situation. The work was undertaken by contractors under an existing long term qualifying agreement which had itself been subject to open tender prior to the contract being entered into. No objections were received by the Tribunal or by the Applicant.

5. The Applicant applied for dispensation from the statutory consultation requirements in order to authorise urgent work to the property which had been undertaken in October 2020 to repair a major water leak which was potentially causing damage to the occupiers of the building. A major water leak had been reported in September 2020 and following a survey later that month it was decided that repairs needed to be undertaken urgently, particularly with the onset of winter. No prejudice has been caused to any of the tenants by the lack of full consultation.
6. No consultation has been undertaken but as stated above, no objections to the application have been received from the Respondents.
7. The Applicant seeks dispensation from all consultation requirements as it would not have been practical or possible to comply properly with the consultation requirements given the urgency of the works .
8. The cost of the works was £4,476 plus VAT of £895.29 and the application states that they are qualifying works, which are works that, without a dispensation from the Tribunal, would require the Applicant to follow the consultation requirements set out in section 20 Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003.
9. The Applicant therefore requests the Tribunal to grant a dispensation from compliance with the full requirements of the section in order to allow the sum incurred to be recovered through the service charge.
10. The Tribunal was not asked to inspect the property and in the context of the issues before it did not consider that an inspection of the property would be either necessary or proportionate.
11. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) 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*” (emphasis added).
12. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable .

13. Having considered the submissions made by the Applicant the Tribunal is satisfied that the works carried out were necessary and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
  
14. This determination does not affect the tenants' rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman  
**Date 14 June 2021**

Note:  
Appeals

#### **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to [rplondon@justice.gov.uk](mailto:rplondon@justice.gov.uk).
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.