



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

**Case Reference** : **LON/00AY/LDC/2020/0255  
P:REMOTE**

**Property** : **69 Gauden Road, Clapham London  
SW4 6LJ**

**Applicant** : **Southern Land Securities Ltd**

**Representative** : **Together Property Management Ltd**

**Respondents** : **The Lessees as named on the  
application**

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

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

**Tribunal Member** : **Judge F J Silverman MA LLM  
Mr K Ridgeway MRICS**

**Date of paper  
consideration** : **25 May 2021**

**Date of Decision** : **25 May 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 all tenants were notified of the application under s20ZA and the repair works to the roof of the property were required urgently to prevent water ingress to the building and the tenants' flats. No objections were received to the application.

### REASONS

1. By an application made to the Tribunal on 03 December 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 17 March 2021.
3. This matter was determined by a paper consideration P:REMOTE on 25 May 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's representative to all Respondents asking them to respond and to indicate whether or not they opposed the application. No objections were received by the Tribunal.
5. The Applicant applied for dispensation from the statutory consultation requirements in order to allow for the erection of scaffolding and subsequent repair works to the value of £3,965 (total of two estimates) to be carried out to the roof of the property. Two of the tenants had complained of major water ingress which was causing damage to the interior of their flats. (flats 2 and 4). They were keen for the work to be undertaken promptly to prevent further

damage and inconvenience. The Applicant's representative sought and obtained quotations for the repairs which exceeded the s20 limit applicable to 4 flats principally because it was necessary to erect scaffolding in order to allow the contractor access to the roof areas to carry out the necessary work.

6. The works have now been carried out.
7. No consultation has been undertaken but all the Respondents have been notified of the intention to apply to the Tribunal for dispensation from the consultation requirements and as stated above, no objections to the application have been received from the Respondents.
8. 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 that the repairs were both necessary and urgent.
9. The cost of the works, according to the estimates supplied, was £3,964.80 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.
10. The Applicant therefore requests the Tribunal to grant a dispensation from compliance with the full requirements of the section in order to allow recovery of the cost of the repair work through the service charge.
11. 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.
12. The Applicant company has a repairing obligation in respect of the structure, exterior and common parts of the premises (including mains services). An example of the leases under which the Respondents hold their respective properties is set out at pages 18-50 of the bundle.
13. Notices of intention to carry out the proposed works were sent to the Respondent tenants on 27 January 2020 (see pages 55-61,64,67,71).
14. 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).

15. 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
16. Having considered the submissions made by the Applicant the Tribunal is satisfied that the works carried out were necessary and urgent and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
17. 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 25 May 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.

