



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

**Case reference** : **LON/00AY/LDC/2021/0096**

**HMCTS code  
(paper)** : **P: PAPERREMOTE**

**Property** : **Flats 1-8, 101 Larkhall Rise, London SW4 6HR**

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

**Representative** : **Aleksandr Stepanyan [ref:  
HOS/LIT/ASTEpany/LARKHALLWALL/686496]**

**Respondents** : **The long residential leaseholders of Flats 1-8, 1 Larkhall Rise, London SW4 6HR**

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

**Type of application** : **Section 20ZA – dispensation from consultation**

**Tribunal member** : **Judge Tagliavini**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **31 August 2021**

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**DECISION**

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## **Covid-19 pandemic: description of hearing**

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because it was not practicable, and no-one requested the same. The documents that the Tribunal were referred to are in a bundle of 56 pages, the contents of which have been noted.

## **The tribunal's summary decision**

**(1)The tribunal grants the applicant's application for retrospective dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985, in respect of the demolition of the boundary wall attached to the Building in which Flats 1-8, 101 Larkhall Rise, London SW4 6HR are situated ('the subject premises').**

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1. This is an application seeking the tribunal's retrospective dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 in respect the demolition of a boundary wall attached to the Building in which the subject premises are situate.
2. In support of the application, the applicant relied upon Submissions/Witness Statement of Aleksandr Stepanyan, Litigation Officer dated 01/04/2021 and to which a Statement of Truth was attached.
3. This statement set out the chronology of the application and the reasons for it. It was stated that the works to demolish the Boundary wall had become urgent due to its collapse, thereby endangering members of the public and residents. Also in support of the application, the applicant relied upon a report dated 11/12/2020 from Lee Elmer, Project Manager. This report set out the danger presented by the boundary wall due to it being located on a road to which the public have access. However, the applicant sought dispensation for only the emergency works of demolition and stated the work of rebuilding the wall was subject to the consultation requirements.
4. The applicant confirmed that the application and the tribunal's directions dated 4 June 2021 had been sent to the lessees. On enquiry, it was confirmed to the applicant by the tribunal that no Reply Form had been received from any of the lessees or any other form of objection/consent. The applicant also confirmed that no communication had been received from any of the lessees.

## **The tribunal's decision and reasons**

5. The tribunal is satisfied that the works carried out by the applicant in demolishing the boundary wall attached to the Building were both necessary and urgent. In the absence of any objection to the carrying out of these works, the tribunal is satisfied that the lessees have not been prejudiced by the lack of consultation
  
6. Therefore, the tribunal grants the application sought and dispenses with the consultation requirements in respect of the demolition (and making safe) of the Boundary wall attached to the subject premises.

Name: Judge Tagliavini

Date: 31 August 2021

## **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).