



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

Case Reference: LON/00BG/LDC/2020/0226 P

HMCTS code: P: PAPERREMOTE

Property: 41 Wadeson Street, Bethnal Green,
London E2 9DP

Applicant: Southern Land Securities Limited

Representative : Together Property Management

Respondents: Dr A Salami, Mr Hamilton and Ms
Oppenheim

Representative: None advised

**Type of
Application:** To dispense with the statutory
consultation requirements under
section 20ZA Landlord and Tenant Act
1985

**Tribunal
members:** Judge Pittaway

Date of decision: 11 February 2021

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has been consented to by the applicant and not objected to by any respondent. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because no-one requested a hearing and all issues could be determined on paper. The documents to which the tribunal was referred are in an electronic bundles of 32 pages (consisting of the application, the Directions issued by the tribunal dated 22 December 2020 , a copy lease, statement of case, the letter sent to the leaseholders about the works and a quotation and invoice form Darren Hall) and the e mail of 11 February 2021 received from the applicant's representative . The decision made is set out below.

DECISION

The Tribunal grants to Southern Land Securities Limited dispensation from statutory consultation in respect of the subject works, namely repairs to the roof of the Property.

The applicant should send a copy of this decision by e mail, hand delivery or first class post to each of the respondents and display a copy in a prominent position in the common parts of the Property, together with an explanation of the leaseholders' appeal rights within seven days of receipt.

This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or the cost of the work.

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the **Act**") for dispensation from consultation in respect of the repairs to the roof of the Property which were commenced on 29 October 2020. The Service Charges (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any tenant being more than £250. The works are identified in the application as the provision of scaffolding with the relevant licence from L B Tower Hamlets, stripping off specified slates and hip and ridge tiles, the application of liquid primer and top coat waterproof to front box gutter and inside wall linings, the supply and fitting of new breathable membrane and tanalised battens

to the stripped roof areas, the supply and fitting of slates to the newly felted and battened roof, the supply and fitting of new ridge and hip tiles and the removal of debris from the site. The cost of the works the subject of the application exceed £250, as the total cost given in the application is £7,025.

2. By directions dated 22 December 2020 (the “**directions**”) the tribunal directed the applicant send each of the leaseholders the application and the tribunal’s directions and display the same in the common parts of the Property, confirming to the tribunal that it had done so. The applicant’s representative confirmed to the tribunal on 11 February 2021 that it had sent a copy of the application and directions to each leaseholder on 22 December 2020 and that by 22 January 2021 the same were also displayed in the common hallway of the Property.
3. The directions required any leaseholder who opposed the application should tell the tribunal. If they opposed the application they should send the tribunal and the applicant’s representative a statement responding to the application together with any documents they wished to rely on. The tribunal has received no such statements of objection/ support and the applicant confirmed in its statement of case that it received no objections from any of the leaseholders.
4. The directions provided that the tribunal would decide the matter on the basis of written submissions unless any party requested a hearing. No such request has been made.

The applicant’s case

5. In the application the Property is described as a mid-terrace late Victorian house constructed over ground and two upper floors, each floor being converted into a self-contained unit.
6. The applicant states in its application that roof works carried out by KBK Property services in December 2018, in the sum of £2,634, were not successful. Southern Land Securities therefore reimbursed these costs to the leaseholders.
7. Following a report of water ingress to Flat C in October 2019 Darren Hall Roofing was appointed and it confirmed roof repairs were required. A quote from that company was forwarded to all the leaseholders who were made aware that because of the urgency of the works (because of the damage being caused to Flat C) an application would be made to the tribunal to dispense with the consultation procedure. No objections were received from the leaseholders. The application and statement of case state that the owner of Flat C offered to pay 50% of the overall cost.

8. The application states that although no section 20 notices were served on the leaseholders Together Property Management notified them of the proposed cost of the work and received no objections.

The Respondents' case

9. No respondent objected to the application.

Determination and Reasons

10. The application incorrectly named the freeholders' agent as the applicant (in its capacity as the freeholder's agent) rather than the freeholder itself. Pursuant to Rule 10 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 the tribunal substitutes Southern Land Securities Limited as the respondent in substitution for Together Property Management.

11. Section 20ZA(1) of the Act 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.”

12. The whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the tribunal is satisfied that it is reasonable for them to be dispensed with.

13. The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14 in reaching its decision.

14. There is no evidence before the tribunal that the respondents will be prejudiced by the failure of the applicant to comply with the consultation requirements. The tribunal is therefore satisfied that it is reasonable to dispense with all or any of the consultation requirements in relation to the repair works

15. Whether the works are carried out to a reasonable standard and at a reasonable cost, and how the liability to pay such cost are not matters which fall within the jurisdiction of the tribunal in relation to this present application. This decision does not affect the tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and /or cost of the works.

Name: Judge Pittaway Date: 11 February 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 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.