



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

Case reference : **LON/00AC/LDC/2022/0213**

Property : **33 Belsize Park, London NW3 4DX**

Applicant : **33 Belsize Park Limited**

Representative : **Warwick Estates (Sarah Oakley)**

Respondent : **The seven leaseholders named in the schedule accompanying the application**

Representative : **No appearance**

Type of application : **Dispensation from statutory consultation**

Tribunal member(s) : **Tribunal Judge Roger Cohen**

Date and venue of hearing : **17 January 2023 paper hearing [at 10 Alfred Place, London WC1E 7LR]**

Date of decision : **17 January 2023**

DECISION

Covid-19 pandemic:

Description of hearing: This matter was determined on paper. The tenants were served with the application but did not participate.

The application, the property, the works and the law

1. The applicant by an application dated 25th October 2022 applies for dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works. costed at £ 47,791.56. Of this sum, works costed at £33,154.06 have already been the subject of consultation. The applicant seeks dispensation in relation to additional works costed at £14,637.50. Major works are currently being carried out to the internal and

external areas of the building roof works were budgeted for within the original quotation but the contractor has discovered further works required to the roof stop the applicant says that it will be more cost effective to have the additional roof works carried out whilst the contractor is on site with scaffolding up

2. The Tribunal gave directions on 23rd November 2022.

3. The works in respect of which relief is sought, and the costings for each item are as follows

- (a) removal of all ash felt terraces and flat roof areas - £1344.60
- (b) install lko hot pot asphalt terrace watering - £5472.00
- (c) install memtec single ply membrane including allowance for perimeter trims - £2773.32
- (d) skylight weathering (not including flashing kids all lead flashing detail unknown) - £1080
- (e) round terrace flat roof handrail post weathering - £1528.

The total costing for these items is £12197.92 plus VAT of £2439.58.

4. The property is a residential block of seven flats on two or three floors. and the management is tenant controlled according to the applicant's filings at Companies House which the Tribunal reviewed.

5. Section 20ZA(1) of the 1985 Act provides:

“Where an application is made to the appropriate tribunal [in England, this 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.”

6. An important consideration is always whether granting dispensation will cause prejudice to the tenants. In my judgment, on the facts of this case there is no prejudice to the tenants. First, there is no objection by any of the tenants to the application for dispensation. Secondly, given that works are underway which have been the subject of consultation and scaffolding is up, the Tribunal considers that it is reasonable for the additional works to be performed whilst the scaffolding is up. This must be th more cost effective way for the works to be performed.

7. In the Tribunal's judgment, it is reasonable to dispense with the consultation requirements in this case.

8. This dispensation does not mean that the tenants cannot challenge the cost or quality of the work done. It simply dispenses with the consultation requirement.

9. There is no application in respect of the fees for applying to the Tribunal, so the Tribunal make no order in respect of such fees.

a) The Tribunal grants a dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works the subject of the application.

b) The Tribunal makes no order in respect of the fees payable to the Tribunal.

Name: Judge Roger Cohen Date: 17 January 2023

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).