



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

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**Case Reference** : **LON/00BB/LDC/2015/0010**

**Property** : **Flats 1- 12, and 22- 23 Barberry Court, 21-23 Manbey Park Road, London E15 3EY**

**Applicant** : **Grounds Rents (Regisport) Limited (Landlord)**

**Representative** : **Manbey Park RTM Company Limited (manager) (instructing Rendall Rittner Hammond, managing agents)**

**Respondents** : **The long leaseholders of Flats 1 – 10, 22 and 23 Barberry Court, 21-23 Manbey Park Road, London E15 EY**

**Representative** : **No appearance**

**Type of Application** : **Section 20ZA Landlord and Tenant Act 1985; Dispensation with requirements of Section 20**

**Tribunal Members** : **Judge Lancelot Robson  
Mrs A. Flynn MA MRICS**

**Date and venue of Determination** : **13<sup>th</sup> February 2015  
10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **25<sup>th</sup> March 2015**

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**DECISION**

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**Decision Summary**

- (1) The Tribunal decided to make an order as requested for dispensation from the requirements of Section 20 of the Landlord and Tenant Act 1985, under Section 20ZA of the Act.
- (2) The Tribunal made the other decisions noted below.
- (3) For the avoidance of doubt, as stated in the Directions, this application and decision does not concern the issue of whether any service costs will be reasonable or payable.

**Preliminary**

1. The Applicant by an application dated 20<sup>th</sup> January 2015 seeks dispensation from all/some of the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 relating to urgent work to replace the main door to the common parts with a heavy duty metal door and associated works (the Qualifying Works).
2. An extract from the relevant legislation are attached as Appendix 1 below.
3. Pursuant to Directions of the Tribunal made on 23<sup>rd</sup> January 2015 an early determination date was set for the week commencing 9<sup>th</sup> February 2015, based on the urgency of the works and the apparent willingness of the Respondents to have the consultation requirements dispensed with. The Respondents were served with notice of the application and the Directions by the Manager on 26<sup>th</sup> January 2015. The Directions requested that any Respondent who wished to oppose the application should indicate that by letter or email with a copy to the Tribunal by 4<sup>th</sup> February 2015. None did so.
4. The Applicant's main bundle of documents was received by the Tribunal on 5<sup>th</sup> February 2015.

**Determination****Applicant's Case**

5. The Applicant submitted that the property was a purpose built block of 12 flats and two maisonettes. The current manager had taken over management of the property from the previous manager on 1<sup>st</sup> November 2014. The block had a history of illegal entry to the common parts. Within days of the new appointment the Applicants had received more reports of forcible entry to the block by breaking the main entrance door, deposit of rubbish, public nuisance, rough sleeping, drug taking, theft from the mail, and other unpleasant illegal activities. An email from the Neighbourhood Policing Team to the manager dated 2<sup>nd</sup> February 2015 outlined the above problems and requested information as to details of the manager, and requesting that the door be made secure. The Applicant' board of Directors instructed the manager to obtain quotes to replace the existing door with a new one, more fit for purpose, and send out a Section 20 notice, as the cheapest quote obtained amounted to £256 per unit approximately. The notice was sent out on 31<sup>st</sup>

December 2015. Meanwhile, over the Christmas period incidents escalated. The existing door had been repaired prior to that date to allow the full Section 20ZA procedure to be followed. However the condition of the door has deteriorated, and has started to give way again when forced. These incidents are clearly a health and safety problem for the residents.

6. The Applicant's board of directors gave instructions to obtain quotes for a heavy metal door and frame with magnetic locks on a key fob system. Quotes were obtained from Fortress Security Systems Ltd (£4,996 plus VAT), and Entec Access Systems Ltd (£3,595 plus VAT). On 19<sup>th</sup> and 20<sup>th</sup> January 2015, the Board instructed the managing agent to accept the quotation of Entec Access Systems as the time for installation was 3-4 weeks. The Board had decided it could not wait for completion of the Section 20 Notice procedure (due in April 2015), on health and safety grounds. It also gave instructions to make this application.

### ***Respondents' case***

7. The Applicant confirmed to the Tribunal by letter dated 5<sup>th</sup> February 2015 that all Respondent lessees had been served with copies of the application and the Directions, and copies had also been put up in the common parts. No objections had been made by the Respondents. The Tribunal noted emails in the document bundle from Respondents in the period 29<sup>th</sup> December 2014 – 31<sup>st</sup> January 2015 describing several incidents and unpleasant objects in the common parts, and requesting that action be taken. Included was a photograph of an apparently used hypodermic syringe on top of an electric socket in the common parts.

### **Decision**

8. The Tribunal noted that essentially its function under Section 20ZA was to decide if the work was urgent, or if otherwise it was reasonable to grant dispensation from the full consultation requirements of Section 20. The Tribunal also noted that part of the Section 20 procedure had been completed. While it would have preferred to see a witness statement or other statement of case on behalf of the Applicant, summarising the evidence, and with copies of letters and other documents sent to the Respondents, the Tribunal, having considered all the evidence and submissions, decided that a convincing case for granting dispensation had been made out.
9. The Tribunal therefore decided to make an order as requested for dispensation from the requirements of Section 20 of the Landlord and Tenant Act 1985, under Section 20ZA of the Act in relation to the Qualifying Works.

Chairman: Lancelot Robson  
Tribunal Judge

Dated: 25<sup>th</sup> March 2015

***Appendix 1***

***Landlord & Tenant Act 1985***

***Section 20ZA Consultation requirements: supplementary***

(1) 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 qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

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