



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

Case Reference : **LON/00AJ/lhc/2016/083**

Property : **Dale Court, Church Avenue,
Northolt, London UB5 5DQ**

Applicant : **Kannan Niththyananthum**

Representative : **Moerans Solicitors**

Respondents : **The leaseholders as set out in the
schedule attached to the
application**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Judge O'Sullivan**

Date of Decision : **22 September 2016**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements in respect of the proposed replacement of the flat roof at the property known as Dale Court, Church Avenue, Northolt, London UB5 5DQ (the “Property”). The application is made against the various leaseholders in the schedule attached to the application form but in particular in respect of leaseholders of Flat 8 (the “Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicants seek dispensation in respect of qualifying works to be carried out.

The background

4. The application was received on 19 August 2016. Directions were made dated 24 August 2016 which provided for the Applicant to serve a copy of the directions on all Respondents and for them to then indicate whether they consented to the application and/or wished to have a hearing. The Applicant’s solicitors confirmed by letter dated 25 August 2016 that the application form and directions had been served on the leaseholders and a copy placed in the common parts at the Property. By letter dated 9 September 2016 the Applicant’s solicitors confirmed that they had received no statements from any leaseholders objecting to the application.
5. The tribunal was informed that the leasehold interest in Flat 3 was sold on 29 July 2016 and that copies of the application form and directions had been sent to the new owner.
6. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly this matter was considered by way of a paper determination on 19 September 2016.
7. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
8. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant's case

9. The Applicant had filed a bundle in support of its application.
10. The Applicant served a notice of intention dated 8 June 2016 setting out the proposed works and the reasons why they were considered necessary. These notices were served by special delivery in accordance with the provisions of the leases. However the notice in respect of Flat 8 was not accepted by the leaseholders, Pawel and Justyna Reszka, on its attempted delivery nor was it collected from the post office. The Applicant therefore seeks dispensation.

The Respondents' position

11. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. No such statements were received and in fact there has been no correspondence from any leaseholders. As a result the tribunal concludes that the application is unopposed.

The Tribunal's decision

12. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the replacement of the flat roof as detailed in the notice of intention dated 8 June 2016.

Reasons for the Tribunal's decision

13. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
14. The application was not opposed by the any of the leaseholders, including the leaseholders of Flat 8. The tribunal is satisfied that the application and directions were sent to each leaseholder and displayed at the property. The tribunal is also satisfied that the leaseholder of Flat 8 is aware of the nature of the proposed works. The leaseholder of Flat 8 refused to accept the notice of intention. In the tribunal's view it is reasonable to grant dispensation in circumstances where the leaseholder appears to be attempting to avoid service of the notice of intention.

15. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.
16. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.
17. **Application under s.20C**
18. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 22 September 2016