



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

**Case Reference** : **BIR/47UC/LDC/2019/0010**

**Subject Property** : **Combermere  
25 Avenue Road  
Malvern  
Worcestershire  
WR14 3AY**

**Applicant** : **Combermere Management Ltd**

**Representative** : **Taylor Clarke Ltd**

**Respondents** : **Leaseholders of three apartments at  
Combermere  
(listed in Schedule to application)**

**Type of Application** : **Application under section 20ZA  
of the Landlord and Tenant Act 1985 for  
dispensation from consultation  
requirements in respect of qualifying  
works at the subject property**

**Tribunal Member** : **Deputy Regional Judge N P Gravells**

**Date of decision** : **4 October 2019**

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**DECISION**

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- 1 On 19 September 2019 the First-tier Tribunal (Property Chamber) received an application from the Applicant under section 20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act'), seeking dispensation from some or all of the consultation requirements imposed by section 20 of the 1985 Act in respect of qualifying works at the subject property.
- 2 The qualifying works involved clearing and sanitizing the roof space, which had become contaminated by pigeons, resulting in a potential risk to the health and safety of the residents.
- 3 The only issue for the Tribunal is whether or not it is reasonable to dispense with the consultation requirements. A decision dispensing with those requirements does not preclude a subsequent application for a determination that the costs of the work were unreasonable.
- 4 On 23 September 2019, the Tribunal invited the Applicant to obtain from each of the Respondent leaseholders a signed statement indicating that they agreed to the work being carried out without compliance with the full statutory consultation requirements.
- 5 All the Respondent leaseholders provided such a statement.
- 6 In the circumstances, the Tribunal is satisfied that in relation to the qualifying works referred to in paragraph 2 above it is reasonable to dispense with the consultation requirements imposed by section 20 of the 1985 Act and the Service Charge (Consultation Requirements) (England) Regulations 2003.
- 7 In accordance with section 20ZA of the 1985 Act the Tribunal therefore determines that those consultation requirements shall be dispensed with.

4 October 2019

Professor Nigel P Gravells  
Deputy Regional Judge