



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

Case Reference : **LON/00AG /LDC/2019/0176**

Property : **Oliver Court, 7 South Hill Park Gardens
London NW3 2TE**

Applicant : **Tant Building Management Ltd**

Representative : **In person**

Respondents : **The Lessees as named on the
application**

Representative : **Not represented**

**Type of
Application** : **S20ZA Landlord and Tenant Act 1985**

Tribunal Member : **Judge F J Silverman Dip Fr LLM
Mr T Sennett MA FCEIH**

**Date of paper
consideration** : **15 November 2019
10 Alfred Place, London WC1E 7LR**

Date of Decision : **15 November 2019**

DECISION

The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985.

REASONS

1. The Applicant landlord seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. The Application to the Tribunal was made on 20 September 2019.
3. Directions were issued by the Tribunal on 10 October 2019.
4. This matter was determined by a paper consideration at 10 Alfred Place, London WC1E 7LR on 15 November 2019 at which the Tribunal considered the Applicant's application and accompanying documents including a bundle of documents prepared by the Applicant.
5. The Directions issued by the Tribunal on had been sent by the Applicant to all Respondents asking them to respond and to indicate whether or not they opposed the application. No objections have been received by the Tribunal .
6. The building comprises a small purpose built block of residential flats. The Applicant owns the freehold of the property. The flats are held on long leases by the Respondents named in this application.
7. In the light of that fact and that none of the Respondents had sustained any objections to the application the Tribunal considered that an inspection of the property was not required.
8. The Applicant asked the Tribunal to dispense with the consultation requirements in respect of remedial roof works which needed to be carried out urgently to prevent water penetration into the building. Estimates for the work were enclosed with the Applicants bundle.
9. The Applicant has a repairing obligation in respect of the structure, exterior and common parts of the premises imposed on it by clause 5 of the lease dated 15 October 1962.
10. The Applicant sought the Tribunal's consent to dispense with the consultation requirements imposed by s20 Landlord and Tenant Act 1985 in respect of the proposed works .
11. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) 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* (emphasis added).”

12. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable.
13. Having considered the submissions made by the Applicant the Tribunal is satisfied that the works proposed to be carried out by the Applicant are sufficiently urgent and necessary to permit them to exercise their discretion in the Applicant’s favour.
14. This determination does not affect the tenants’ rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman
Date 15 November 2019

Note:
Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.