



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

Case Reference : **CAM/00ME/LDC/2019/0038**

Property : **Charters, Charters Road,
Sunninghill, Ascot SL5 9FG**

Applicant : **Sunninghill & Ascot Property
Company Limited**

Respondents : **The leaseholders of The Mansion,
Charters**

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

Tribunal Member : **Judge Wayte**

Date of Decision : **8 January 2020**

DECISION

The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works described in the application.

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 urgent roof works, in particular the installation of membrane roof system waterproofing. The property concerned is described in the application as a 1930s Grade II listed mansion, converted into six residential apartments. There is ongoing water ingress and patch repairs have failed to rectify the problem. Due to the damage being caused to the building and the apartments, dispensation is sought to enable the works to start without delay. The application is made against the leaseholders in the schedule attached to the application form (“the Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.

The background

3. The application was received on 3 December 2019 and directions were given the same day, with the Applicant required to serve the application and directions on the Respondents. The directions contained a reply form for any leaseholder who objected to the application to return to the tribunal and the Applicant. The Applicant confirmed service on the Respondents by letter dated 9 December 2019.
4. 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 the application was considered on the papers on 8 January 2020.
5. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
6. 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

7. The Applicant’s bundles included a statement in support of the application by John Davis, the Estate Manager of Charters. The statement exhibited an email report detailing issues with the flat roof to the Mansion and photographs showing some of the defects/damage. That report confirmed that the most effective solution to the ongoing problems would be to overlay the entire affected area with a waterproof membrane.

8. The tribunal had requested confirmation of the cost of the works, although this application only deals with the issue of dispensation as set out in the directions. Two quotes were provided with the bundle, the Applicants have chosen LR Services Ltd at £34,371 + VAT, who were cheaper than the alternative and have knowledge of the Charters estate.

The Respondents' position

9. The directions provided for any Respondent who wished to oppose the application for dispensation to complete the reply form attached to the directions and send it to the tribunal and the Applicant. Mr Davies' statement confirms that the only responses he has received to both informal notification and the issue of the application have been informal acknowledgment of the required works and support for expedition. The tribunal has not received any response or statement of case in opposition to the application. In the circumstances the tribunal concluded that the application was unopposed.

The Tribunal's decision

10. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

Reasons for the Tribunal's decision

11. 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*".
12. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and properly authorised. In the circumstances it is appropriate to grant an order for dispensation.

Application under s.20C Landlord and Tenant Act 1985

13. There was no application for any order under section 20C before the tribunal.

Name: Judge Wayte

Date: 8 January 2020

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).