



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

Case Reference : **LON/00BK/LDC/2020/0135
P:REMOTE**

Property : **Sheridan Buildings, Martlett Court,
London WC2B 5SD**

Applicant : **Westminster City Council**

Representative : **Mr A Pye**

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 MA LLM
Mr L Jarero FRICS**

**Date of paper
consideration** : **25 November 2020**

Date of Decision : **25 November 2020**

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 on the grounds that all tenants were notified of the application under s20ZA and urgent repair works are required to ensure the safety of the building its residents and the public.

REASONS

1. By an application made to the Tribunal on 26 August 2020 the Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. Directions were issued by the Tribunal on 05 October 2020.
3. This matter was determined by a paper consideration P:REMOTE on 25 November 2020 at which the Tribunal considered the Applicant's application and accompanying documents.
4. The Directions issued by the Tribunal had been sent by the Applicant to all Respondents asking them to respond and to indicate whether or not they opposed the application.
5. The Tribunal understands that Sheridan Buildings (the property) is a purpose built block of 40 flats within a central residential, commercial and entertainment location of Westminster. The date of construction is estimated as early 20th Century. The building is of typical brick construction with wooden framed windows, and a pitched slate roof. The soffits & fascia are constructed of original materials from the Edwardian period.
6. The Applicant states that the urgency of this case is that there is an identified Health & Safety Risk, due to the degradation of the roof fascia & soffits across the frontage of the property. There have been two cases where areas of weakened concrete or reinforced plaster have broken off from the structure above. This debris has the potential to cause serious harm to both life and property, in the street below. Currently, an area of the street pavement has been cordoned off, to prevent people walking under the

affected area. The assumption is that the entire area of concrete or reinforced plaster may have deteriorated to a weakened state.

7. The Applicant therefore requests the Tribunal to grant a dispensation from compliance with the full requirements of the section in order to allow the works to proceed. It is understood, however, that the works were commenced some time ago and may currently be reaching their completion.
8. The Tribunal was not asked to inspect the property and in the context of the issues before it did not consider that an inspection of the property would be either necessary or proportionate.
9. The Applicant as freeholder has a repairing obligation in respect of the structure, exterior and common parts of the premises (including mains services). An example of the leases under which the Respondents hold their respective properties is set out at page 82 of the bundle.
10. All the tenants were notified of the proposals and of this application. Copies of four tenant responses were included in the Applicant's hearing bundle. Two considered that the costs of the works were too high and others suggested that the works should have been carried out earlier. None objected to the nature of the application itself.
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 carried out or to be carried out are necessary both for the preservation of the building and the safety of the public and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
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 25 November 2020

Note:
Appeals

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rplondon@justice.gov.uk.
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.