



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

Case reference : **LON/00AU/LDC/2020/0097**

Applicant : **130 Englefield Road RTM Company Limited**

Respondent : **Leaseholders (identified in the application)**

Property : **130 Englefield Road, London N1 3LQ**

Date of decision : **18th March 2021
Judge Hargreaves**

**DECISION ON AN APPLICATION UNDER SECTION 20ZA OF THE
LANDLORD AND TENANT ACT 1985**

The Applicant is granted dispensation pursuant to s20ZA landlord and Tenant Act 1985 in respect of works identified in the application for dispensation dated 18th March 2020 namely

1. Repairs to a chimney stack
2. Repairs or replacement of a side gate
3. Repairs or replacement of chain link fencing

REASONS

1. It is a notable feature of this application that very little detail has been supplied and no evidence of costs or costing in respect of the items listed above. It is also notable that the application was made a year ago and therefore I assume that the relevant works have by now been long completed. However, for the following reasons, I do not consider that either of these points has any material impact on the decision I reach.
2. The property comprises four residential flats in Islington. I have seen a copy specimen lease dated 16th February 1988 and note the leaseholder covenants to pay service charges in clause 2(2)(a)(b). I also note the landlord's repairing covenants in clause 4 which include boundary walls and fences as well as the main structure of the building. In granting relief from having to conduct the s20 consultation process, nothing affects the rights of the leaseholders to challenge the reasonableness of the service charges raised themselves.
3. Sometime prior to March 2020 the landlord had carried out a s20 consultation process in respect of what is described as "major" internal and external works of redecoration. I have no other details. Scaffolding was erected in the course of these works and a problem discovered with a leaning chimney stack. It was reasonable for the landlord to seek dispensation from consultation and avoid the consequent delays that would entail, so that the landlord could take advantage of the scaffolding and avoid the extra costs which would be incurred if it was

removed then re-erected after a process of statutory consultation. On any view, a leaning chimney stack needs remedial work, though there is no evidence as to the danger it posed and that is merely an observation.

4. In the course of carrying out the planned works, it also came to the landlord's attention that a side gate needed replacement as did chain link fencing to the front. Obviously neither of these items have been identified as urgent, but seem to have been included in the application so that advantage could be taken of having builders on site.
5. The landlord wrote to the leaseholders on 16th April 2020 with a brief outline of the additional works listed above which had not been covered by the s20 notice which was served.
6. The Applicant landlord has confirmed that the Tribunal's directions dated 28th July 2020 have been complied with.
7. There is no evidence that any of the four leaseholders objected to the additional works being undertaken or to this application.
8. In the circumstances it must be reasonable to grant dispensation as requested. The additional works were relatively minor though one could have become a serious issue. It was plainly sensible to maximise use of the scaffolding and builders being on site. Going through the consultation process might have caused prejudicial delay to the leaseholders and would have added to the expense if scaffolding had to be re-erected in respect of the chimney works. There is no evidence or suggestion of prejudice to the leaseholders in granting dispensation from consultation in respect of the identified works.

Judge Hargreaves

18th March 2021

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).