



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

Case reference : **LON/00AU/LDC/2021/0230**

HMCTS code : **P: PAPER REMOTE**

Property : **2 Ashley Road, Islington, N19 3AE**

Applicant : **Southern Land Securities Limited**

Representative : **Together Properties Management
(Elizabeth Chatzimanoli)**

Respondents : **Ms Donna Small and Mr Errol Abraham**

Type of application : **Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985**

Tribunal member : **Judge Robert Latham
Peter Roberts DipArch RIBA**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **15 November 2021**

DECISION

The Tribunal grants this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of urgent works to the roof.

Covid-19 pandemic: description of hearing

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The applicant has filed a bundle in support of the application.

The Application

1. The Tribunal has received an application, dated 2 September 2021, from Together Property Management (“TPM”) who are managing agents for the landlord, Southern Land Securities Limited. The Applicant seeks dispensation from the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (“the Act”). The application relates to 2 Ashley Road, Islington, N19 3AE (“the Property”). This is a late Victorian end of terrace house which has been converted into two self-contained flats. The leaseholders are Ms Donna Small and Mr Errol Abraham
2. On 27 August, TPM received a report from one of the leaseholders that several tiles had slipped and fallen onto the public pavement. The areas of slipped tiles caused water ingress into the Property. TPM appointed Darran Hall (Roofing) to attend. They provided a quote of £1,740 to supply scaffolding, replace the slipped and fallen slates and remove the debris from site. Due to the urgency of the works, the contractor was instructed to proceed. TPM have sought to fund the works through an insurance claim. Unfortunately, this has been rejected.
3. On 24 September, the Tribunal issued Directions. The Tribunal stated that it would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
4. By 8 October, the Applicant was directed to send to each of the leaseholders (and any residential sublessees) by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents’ names and addresses) unless also sent by the Applicant; (ii) if not already detailed in the application form, a brief explanation for the reasons for the application and (iii) a copy of the directions. The Applicant was also directed to display a copy in a prominent position in the common parts of the Property.
5. On 7 October, the Applicant confirmed that it had complied with this Direction.
6. By 22 October, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions

and email it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.

7. The Applicant has emailed the tribunal a bundle of documents in support of their application. The bundle includes a copy of the lease for Flat A.

8. Section 20ZA (1) of the Act provides:

“Where an application is made to the appropriate 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.”

9. **The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

10. The Tribunal is satisfied that it is reasonable to grant dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

11. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the two leaseholders.

Judge Robert Latham
15 November 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 **by e-mail**

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).