



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

Case reference : **LON/00AY/LDC/2021/0170**

HMCTS code (paper, video, audio) : **P: PAPERREMOTE**

Property : **49-83 Thornton Garden, Thornton, London SW12 0LQ**

Applicant : **The Mayor and Burgesses of the London Borough of Lambeth**

Representative : **Ref: HOS/LIT/HKARA/648481
Ms Harsha Kara**

Respondent : **Various leaseholders as per the application**

Representative : **N/A**

Type of application : **Application for dispensation of consultation requirements – s.20ZA Landlord and Tenant Act 1985**

Tribunal members : **Judge Tagliavini**

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

Date of decision : **8 November 2021**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote on the papers which has not been to by the parties. The form of remote hearing was P: PAPERREMOTE. A face-to-face hearing was not held because it was not practicable, and all issues could be determined in on paper. The documents that the tribunal are in a bundle of 68 pages, the contents of which I have noted. The order made is described at the end of these reasons.

Decision of the tribunal

- (1) The tribunal determines that is appropriate to grant the applicant unconditional dispensation to consult in respect of the urgent works carried out under a long-term qualifying agreement, to remedy the water leak affecting the subject premises at 49-83 Thornton Gardens, Thornton, London SW12 0LQ ('the premises').
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The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") in respect of urgent works to remedy a water leak affecting the subject premises. .]

The hearing

2. The hearing was held remotely on the papers provided by the applicant in its hearing bundle (pp 1-68).

The background

3. The property which is the subject of this application is a purpose-built block of flats on two stories.
4. The respondents hold a long lease of the property which requires the landlord to provide services and the tenant to contribute towards their costs by way of a variable service charge.
5. Having heard evidence and submissions from the parties and considered all the documents provided, the tribunal has made determinations on the various issues as follows.

The applicants' case

6. The applicant relied on written submissions attached to the application, and included a report of T Brown Group dated 23 July 2020, confirming the nature and extent of the severe water leak identified by Thames Water on 17 July 2020, and the remedial works required in the quoted sum of £6516.00 plus VAT. These works were subsequently carried out on the applicant's instruction.

The respondent's case

7. No objections or other communications were received by the applicant and the tribunal from the respondents, objecting to this application, or identifying any prejudice that would be caused by the lack of consultation.

The tribunal's decision and reasons

8. In the absence of any objection to this application, the tribunal finds it is reasonable and appropriate to grant the dispensation sought by the applicant, pursuant to s.20ZA of the Landlord and Tenant Act 1985, in respect of the urgent works to remedy a severe water leak.

Name: Judge Tagliavini

Date: 8 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 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).