



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

**Case reference** : **BIR/00CN/LDC/2022/0009 (P)**

**Property** : **Flats 9-21 Luce Close, Castle Vale,  
Birmingham, B35 6PJ**

**Applicant** : **The Pioneer Housing & Community  
Group Ltd**

**Respondents** : **Leaseholders of Flats 9-21 Luce Close**

**Type of application** : **An application under section 20ZA of the  
Landlord and Tenant Act 1985 for  
dispensation with all or any of the  
consultation requirements in relation to  
qualifying works.**

**Tribunal members** : **Judge P.J. Ellis  
V. Ward BSc Hons FRICS Regional  
Surveyor**

**Date of Decision** : **23 June 2022**

**DECISION**

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***The Tribunal is satisfied it is reasonable to dispense with the  
consultation requirements on the Applicant in relation to qualifying***

***works for urgent roof repairs described in paragraph 7 of this Decision.***

**The Application**

1. This is an unopposed application by the Applicant, Pioneer Housing and Community Group Limited, 11 High Street, Castle Vale, B35 7PR for dispensation from consultation requirements under s20ZA Landlord and Tenant Act 1985 (the 1985 Act) in relation to qualifying works which have already been completed at Luce Close Castle Vale Birmingham B35 6PJ, (the Property).
2. The Respondents are the leaseholders are the leaseholders of six flats within blocks known as 9-21 Luce Close. The Tribunal has seen evidence that five of the six Respondents do not wish to be considered active in this matter and they support the application. The remaining Respondent has not made any response to the application.
3. The application was first issued on 25 March 2022. Directions were given shortly after issue of the proceedings but the matter was closed by reason of the failure by the Applicant to pay the requisite fee. In the event, upon request for restoration of the proceedings and payment of the fee by the Applicant the matter was restored. Directions were given on 22 May 2022.
4. The only issue identified under this application for the Tribunal is to determine whether it is reasonable to dispense with statutory consultation requirements. This application is not concerned with the reasonableness or payability of any costs or charges associated with the contract the subject of the application.
5. The relevant Property is described by the Applicant a low-rise block of six, two-bedroom flats.

6. The Tribunal directed that no inspection of the properties was necessary. The parties have not requested an oral hearing. The Tribunal makes this determination on the basis of the papers served by the Applicant.
  
7. The Applicant seeks dispensation from all of the consultation requirements of section 20 of the 1985 Act for qualifying works relating to roofing repairs at the Property. The Applicant identifies the relevant work as urgent roof repairs required on the block. An estimate for the works was £1950.00 being £325 for each leaseholder in the service charge year. The works comprised
  - a. Scaffold erection on three sides of the building, including front, rear and gable end
  - b. Remove three rows of tiles at the bottom to the front and rear sections
  - c. Replace defective felt, install new EPS and relay tiles to the front and rear
  - d. Re-bed loose tiles on the complete gable end
  - e. Repoint the brickwork around the three sides of the building
  
8. The Respondent leaseholders have signified their agreement to and support for this application for dispensation.

### **The Lease**

9. The application before the Tribunal relates only to the requested dispensation from the statutory consultation regime in the Act as interpreted by the courts. (see below).

### **The Statutory Framework**

10. Section 20 of the 1985 Act as amended by the Commonhold and Leasehold Reform Act 2002 sets out the procedures landlords must follow which are particularised collectively in the Service Charges (Consultation Requirements) (England) Regulations 2003. There is a statutory maximum that a lessee has to pay by way of a contribution to “qualifying works” (defined under s20ZA(2) as

works to a building or any other premises) unless the consultation requirements have been met. Under the Regulations, s20 applies to qualifying works which have resulted in a service charge contribution by an individual tenant in excess of £259.00

11. The power to dispense with the consultation requirements is conferred on the tribunal by section 20ZA(1) which 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 ... the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”*

### **The Decision**

12. The Tribunal was shown the quotations for the subject works. It was also shown photographs of the parts of the building and its roof requiring attention. Although the application is described as 9-21 Luce Close, the affected building is occupied only by six leaseholders, namely 9,11,15,17,19 & 21. Five of the leaseholders of the affected flats have indicated their support for the application.
13. The Tribunal is satisfied that the works involved were qualifying works and that without dispensation from the consultation provisions the statutory maximum would apply. It is further satisfied that the works were necessary. This Decision does not prevent a later review of the charges actually incurred under s27 of the 1985 Act. The leaseholders have given their support to the application or made no comment on it.
14. In the circumstances the Tribunal is satisfied that it is reasonable to exercise its discretion under s20ZA(1) of the 1985 Act and dispense with the consultation requirements.

### **Appeal**

15. Any appeal against this Decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this Decision, (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Tribunal Judge P J Ellis