



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

**Case reference** : LON/00AG/LDC/2022/0115

**Applicant** : Chartered Institute of Water and  
Environmental Management

**Representative** : CIWEM Services Limited  
(Ken Hassan)

**Respondent** : Tracey Redding (flat 1),  
Simon Landy (flat 2),  
Santdeep Paun (flat 3&4)

**Property** : Flat 1-4, 106-109 Saffron Hill, London,  
EC1N 8QS

**Tribunal** : Judge Mullin  
Tribunal Member Waterhouse

**Date of Decision** : 21<sup>st</sup> October 2022

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

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**Background to the application**

- A. The Applicant/landlord has applied for dispensation from the statutory consultation requirements in respect of an external wall survey carried out to determine the fire safety credentials of the cladding material on the building. The estimated cost of the works has not been provided
- B. The Leaseholders were given notice of the works due to be carried out. The works were needed immediately as recommended in the fire risk assessment, which could pose a severe threat to the safety of the tenants if an issue with the cladding was found.
- C. The only issue for the tribunal is whether 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.**

**Decision & Reasons**

1. The Tribunal grants dispensation for the works identified in Application, namely an external wall survey.
2. The Tribunal is satisfied that the works are urgent and that they have been recommended following a fire safety risk assessment.
3. None of the Respondents have objected to the application or identified any relevant prejudice.
4. ***This decision does not affect the right of the Respondents to challenge the costs or the standard of work should they so wish.***

**Tribunal Judge Mullin**

**21<sup>st</sup> October 2022**

**Appendix of relevant legislation**  
**Section 20 of the Act**

(1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either: -

- (a) complied with in relation to the works or agreement; or
- (b) dispensed with in relation to the works or agreement by (or on appeal from) a leasehold valuation tribunal.

(2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.

(3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.

(4) The Secretary of State may by regulations provide that this section applies to a qualifying long-term agreement: -

- (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
- (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.

(5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount: -

- (a) an amount prescribed by, or determined in accordance with, the regulations, and
- (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with, the regulations.

(6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.

(7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined.

## **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).