



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

**Case reference** : **LON/00AG/LDC/2014/0084**

**Property** : **Camden Island 106-110 Kentish  
Town Road, London NW1 9PX**

**Applicant** : **Sackville UK Property Select II  
(GP) No.1 LTD + Sackville UK  
Property Select II Nominee (1) LTD**

**Representative** : **Vivian Lim, Workman LLP**

**Respondent** : **Southern Land Securities**

**Representative** : **Hamilton King Management Ltd**

**Type of application** : **Application under s20Za Landlord  
Tenant Act 12985 for an order  
dispensing with the statutory  
consultation requirements**

**Tribunal member** : **Judge E Samupfonda**

**Date and venue of  
hearing** : **Application determined on basis of  
papers filed on 21 August 2014 at 10  
Alfred Place, London WC1E 7LR**

**Date of decision** : **21 August 2014**

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**DECISION**

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## **Decision of the tribunal**

- (1) The tribunal determines that an order for dispensation under section 20ZA of the Act shall be made dispensing with all of the consultation requirements in relation to the works preventing water ingress into the subject building.

## **The application**

1. The applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) ("the Act".) The applicant seeks dispensation from the requirement to serve section 20 notices, a reduction of the consultation period from 30 days to 7 days and the period for comments from the residents and for them to put forward alternative suppliers reduced to the same 7 day period.
2. The issue in this case is whether it is reasonable for the consultation requirements of section 20 of the 1985 Act to be dispensed with.

## **Background**

3. The application was received on 25 June 2014. A case management conference was held on 30 June 2014 and directions issued. The case was allocated to a paper track so that it may be determined on the basis of written representations unless either party requested an oral hearing. As neither party has requested an oral hearing, the tribunal proceeded to determine the issue on the basis of the papers filed namely a bundle of documents prepared by the applicant.
4. In her statement in support of the application, Ms Vivian Lim, associate who works on behalf of the applicant, stated that urgent repair works are required to prevent water ingress into the building. The building is made up of residential accommodation on the 5<sup>th</sup> & 6<sup>th</sup> floors and offices below on the basement to 4<sup>th</sup> floors. The first instance of water ingress occurred on 21<sup>st</sup> May 2014. Following this, Mr Matt Osborn of Workman Building Surveying inspected the building on 26<sup>th</sup> May 2014. He opined that the water ingress to the offices spaces was caused "by defective detailing to the stone cornice at the fourth floor ceiling level. Under heavy rainfall, water is entering the structure via cracking and poor detailing to the stone cornice; the water is then tracking along the internal ceiling finishes and is running down internal plasterwork."
5. A decision was taken to carry out repairs. The leaseholders were informed on 29<sup>th</sup> May 2014 that an application to the tribunal was to be made and at the same time, a notice under section 20 outlining the proposed works was also served on them in the event that the tribunal did not accede to the application. The bundle included submitted to the

tribunal included a specification of works by Workman dated May 2014, and a tender report from Threadneedle Uk Property Select Fund dated June 2014.

6. The directions provided for the respondents to indicate whether or not they consented to or opposed the application for dispensation and to serve a statement of case. The respondents did not respond to the application.

### **The Tribunal's decision**

7. The tribunal determines that an order for dispensation under section 20ZA of the Act shall be made dispensing with all of the consultation requirements in relation to the works outlined.

### **Reasons for the Tribunal's decision**

8. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
9. In making its decision the tribunal had regard to the fact that the works are considered to be urgently required to deal with water ingress into the property every time there is heavy rainfall.
10. No objections to the application were received and no applications were made for an oral hearing. The managing agents have taken reasonable steps to keep the leaseholders informed. Given the circumstances, the tribunal did not consider that the respondents would be prejudiced by the grant of dispensation.
11. The tribunal would stress that it is not making any assessment of the reasonableness of the charges and a challenge to those charges may be raised pursuant to section 27A of the 1985 Act in the future



**Name:** Judge E Samupfonda

**Date:** 21 August 2014