



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

Case Reference	:	LON/00BD/LDC/2017/0110
Property	:	10-11 Dover Terrace, Sandycombe Road, TW9 2EF
Applicant	:	Together Property Management
Representative	:	N/A
Respondents	:	Mr Steve Gould, 10 Dover Place (Ground Floor); Miss Charlotte Kemp, 11 Dover Place (First Floor)
Type of Application	:	Dispensation with Consultation Requirements under section 20ZA Landlord and Tenant Act 1985.
Tribunal Members	:	Judge Robert Latham Mr Charles Norman FRICS
Date and venue of Hearing	:	31 October 2017 at 10 Alfred Place, London WC1E 7LR
Date of Decision	:	31 October 2017

DECISION

The Tribunal grants this application to dispense unconditionally with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

Reasons

1. By an application made on 29 August 2017, the Applicant seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (“the Act”). The Applicant is the managing agent acting on behalf of Southern Land Securities, the landlord. The Applicant stated that it was content for the application to be dealt with on the papers. Neither Respondent has requested an oral hearing.
2. 10-11 Dover Terrace, Sandycombe Road, TW9 2EF (“the property”) is a terrace house built in the early 1990’s which has two purpose built flats. On 19 June 2017, the works commenced. These comprised a schedule of external repairs and decorations which had been subject to the full section 20 consultation procedure. After scaffolding had been erected, it became apparent that the roof was in a far worse condition than had been anticipated when the schedule had been prepared. The contractors quoted £7,215 + VAT to complete the additional works. However, the surveyor engaged by the Applicant proposed a more modest schedule at a cost of £1,650 + VAT. This cost is to be split between the two tenants. The Applicant took the view that these additional works should be executed whilst the scaffolding was in place and therefore made this application for dispensation of the further consultation that would otherwise have been required. The works were completed on 15 August.
3. On 15 September 2017, the Tribunal notified the Respondents that this application had been received. On 19 September 2017, the Tribunal gave Directions and allocated the case for a paper determination. On 20 September 2017, the Tribunal sent the Directions to the parties.
4. By 2 October 2017, the tenants were directed to complete a form stating whether or not they opposed the application:
 - (i) On 29 September 2017, Miss Charlotte Kemp (11 Dover Terrace) stated that she supported the landlord’s application.
 - (ii) On 25 September 2017, Ms Barbara Jones responded on behalf of Mr Steve Gould (12 Dover Terrace), stating that he supported the landlord’s application.

On 3 October, the Applicant filed a brief statement of case.

5. 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.”

6. The Tribunal is satisfied that it is reasonable to grant dispensation from the consultation requirements. This is justified by the urgent need for the works. Were the landlord to have embarked upon a further round of consultation, it would merely have delayed the works and increased the cost of scaffolding. Both tenants support this application. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

Judge Robert Latham

31 October 2017