



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

Case References : **LON/00BD/LDC/2019/0035**

Property : **Flats at Yelverton Lodge 255
Richmond Road Twickenham
Middlesex TW1 2NW**

Applicant : **Northumberland and Durham
Property Trust Ltd**

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Respondent : **Various leaseholders of Yelverton
Lodge as set out on the application**

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Type of Application : **S20ZA Landlord and Tenant Act
1985**

Tribunal Members : **Judge F J Silverman Dip Fr LLM
Mr H Geddes**

**Date and venue of
paper determination** : **08 May 2019
10 Alfred Place London WC1E 7LR**

Date of Decision : **08 May 2019**

DECISION

The Tribunal determines that it will not exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985.

REASONS

1. The Applicants who are the Lessors of the property seek a determination of their application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. The Application to the Tribunal was made on 27 February 2019.
3. Directions were issued by the Tribunal on 06 March 2019.
4. A paper determination took place in London on 08 May 2019 at which the Tribunal considered the Applicants' application and accompanying documents. Four objections had been received from the Respondent tenants.
5. The property which is the subject of this application comprises two blocks of flats one of which is modern, the other dates from the eighteenth century. The Directions issued by the Tribunal and sent by the Applicant to all Respondents only required those who objected to the application to respond. Four replies were received by the Tribunal.
6. The Tribunal did not inspect the property because to do so would have been disproportionate.
7. The circumstances giving rise to this application are that the Applicants assert that two windows at the property are in a poor condition and need urgently to be replaced. The cost of replacement is anticipated to exceed the s20 limit by a small margin. Additionally, the Applicants ask for dispensation in relation to unspecified roof repairs for an unquantified sum of money.

8. The Applicants say that the urgency of the work prevents them from carrying out a full consultation under s20 Landlord and Tenant Act 1985.
9. Additionally, the Tribunal is not convinced by the evidence supplied by the Applicants that the window works were sufficiently urgent to merit the grant of dispensation. No evidence was supplied as to the extent or cost of the roof repairs; to grant a dispensation in such a situation would amount to an abuse of the purpose of the section.
10. Four out of the twelve lessees have registered objections to the application and the Tribunal considers that this is a sufficiently high percentage of the total number of lessees to cause them to exercise extreme caution in exercising their discretion in favour of the Applicants.
11. In the light of the above the Tribunal is minded to decline to grant its consent to the application.
12. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides:

“Where an application is made to a [leasehold valuation] 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* (emphasis added).”

13. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable.
14. Having considered the submissions made by the Applicants the Tribunal is not satisfied that the proposed works already carried out are sufficiently urgent and necessary to permit them to exercise their discretion in the Applicant’s favour.
15. This determination does not affect the tenants’ rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman

Date: 08 May 2019

Note:
Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.