



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

**Case reference** : **LON/00AW/LDC/2020/0104P**

**Property** : **34 Cranley Gardens, London SW7  
3DD**

**Applicant** : **The Welcome Trust Ltd**

**Representative** : **Savills (UK) Ltd**

**Respondents** : **The leaseholders named on the  
application**

**Representative** :

**Type of application** : **For the dispensation of some of the  
consultation requirements under  
s.20 Landlord and Tenant Act 1985**

**Tribunal members** : **Judge Simon Brilliant**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **19 October 2020**

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**DECISION**

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## **Decision of the Tribunal**

The Tribunal determines that those parts of the consultation requirements provided for by s.20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

This has been a remote hearing on the papers which has been not objected to by the parties. The form of remote hearing was P. A face to face hearing was not held because it was not practicable, and all issues could be determined on paper. The critical documents that I was referred to are set out below. The order made is described at the end of these reasons.

### **The application**

1. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by s.20 of the Act. The application was dated 20 July 2020.
2. Directions of the Tribunal were issued on 21 August 2020.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

### **The hearing**

4. The matter was determined by way of a paper hearing which took place remotely on 19 December 2020.

### **The background**

5. The premises consist of 9 flats in a Mansion Block.

### **The application**

6. I cannot do better than set out Mr Morton's statement in support of the application:

"1. I am employed as Property Manager at Savills of the above address. We took over the management of 34 Cranley Gardens from the Knight Frank agents on 28 September 2017.

2. We were alerted by the leaseholder of a top floor flat within 34 of water ingress from the roof line on 11.06.2020. (See Exhibit 1 for photo of the damage in the top floor flat)

3. Upon inspection it was noted that water was expelling from a gutter connection to the downpipe at the roof line. The area could not be accessed from within the building and it was determined that scaffolding would be required to access the defective gutter section. (See Exhibit 2 for photo of the location of the defective section of guttering).

4. Quotation ref: 6486 from N-Compass London Ltd. (see Exhibit 3) for the erection and dismantling of scaffolding to the defective area and an allowance for minor repairs was received on 08.07.2020.

5. Instruction was given on the same day, 08.07.2020 because as well as the water ingress to the top floor flat, water was noted on the external brickwork from the

defective section guttering. It was our view that delay the works to allow a full Section 20 Consultation would likely result in further damage being caused to the top floor flat as well as the likely appearance of dampness within the properties beneath given the amount of water which was expelling onto the brickwork.

6. The scaffolding was erected on 22.07.2020 and repairs made on the same day. The contractors found that the leadwork detail around the gutter had become loose and so was re-sealed (see Exhibit 5 for photo of the completed re-sealing of the lead detail).

7. No further water ingress was noted in the top floor flat and no water escaped from the gutter after these works.

8. The invoice for the works (see Exhibit 4) was submitted on 27.07.20.

9. We seek dispensation from consultation as the works exceed the building's Section 20 threshold of £1,232 because to delay the works to allow the requisite consultation time frames to elapse would likely have resulted in further damage to the top floor flat as well as an increased risk of damp penetration in flats below and therefore further costs to the service charge".

7. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application did not concern the issue of whether any service charge costs will be reasonable or payable.**

8. No notice was received from any of the Respondents opposing the application.

## **The evidence**

9. The Applicant's case is clearly set out in Mr Morton's statement above.

## **Decision of the tribunal**

10. s.20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.

11. Dispensation is dealt with by s.20ZA of the Act which 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"**

12. The Tribunal is satisfied that, in the particular circumstances of this case, involving a clear risk to public safety, it is reasonable to dispense with the consultation requirements in respect of the installation of the roof repair works.

13. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

Simon Brilliant

**Name:**

Simon Brilliant

**Date:**

19 October 2020