



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

Case Reference : **LON/00BB/LDC/2020/0161
P:REMOTE**

Property : **1-34 Tenbury Close London E7 8AX**

Applicant : **Tenbury Close (Romford Road)
Management Company Ltd**

Representative :

Respondents : **The Lessees as named on the
application**

Representative : **Not represented**

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

Tribunal Member : **Judge F J Silverman MA LLM**

**Date of paper
consideration** : **10 November 2020
10 Alfred Place, London WC1E 7LR**

Date of Decision : **10 November 2020**

DECISION

The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985 on the grounds that all tenants were notified of the application under s20ZA and no objections were received.

REASONS

1. The Applicant seeks a determination of its 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 30 September 2020.
3. Directions were issued by the Tribunal on 06 October 2020.
4. This matter was determined by a paper consideration on 10 November 2020 at which the Tribunal considered the Applicant's application and accompanying documents.
5. A copy of the Application and Directions issued by the Tribunal had been sent by the Applicant to all Respondents asking them to respond and to indicate whether or not they opposed the application. No objections were received by the Tribunal.
6. An external façade report carried out on 26 August 2020 concluded that the property, comprising an 8 storey block of flats over 18m in height and fitted with cladding to its external walls, was unlikely to meet BS8414-2 (fire risk) standards and that urgent remediation work was required.
7. The Applicant has already commenced a s20 consultation process but asks the Tribunal for dispensation in order obtain estimates in time to meet the government's deadline for applications for funding.
8. The Tribunal was not asked to inspect the property and in the context of the issues before it did not consider that an inspection of the property would be either necessary or proportionate.

9. The Applicant has a repairing obligation in respect of the structure, exterior and common parts of the premises (including mains services) imposed on it by a lease dated 17 June 1982.
10. 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).

11. 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.
12. Having considered the submissions made by the Applicant the Tribunal is satisfied that the proposed works are both urgent and necessary and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
13. 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 10 November 2020

Note:
Appeals

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rplondon@justice.gov.uk.
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.