



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

Case Reference : **LON/00AG/LDC/2021/0145**
P:REMOTE

Property : **41 Denning Road London NW3
1ST**

Applicant : **D & A Kaimakamis**

Representative : **Atlas Property Lettings &
Services Ltd**

Respondents : **The Leaseholders as named on
the application dated 29 April
2021**

Representative : **Not represented**

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

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

**Date of paper
consideration** : **05 October 2021**

Date of Decision : **05 October 2021**

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 the works proposed by the Applicants were required urgently to maintain the safety of the building for its residents. No objections were received to the application.

REASONS

1. By an application made to the Tribunal on 29 April 2021 the Applicants seek a determination of their application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. Directions were issued by the Tribunal on 17 June 2021.
3. This matter was determined by a paper consideration P:REMOTE on 05 October 2021 at which the Tribunal considered the Applicants' application and accompanying documents.
4. The Directions issued by the Tribunal had been sent by the Applicants to all Respondents asking them to respond and to indicate whether or not they opposed the application. No consultation took place in view of the urgency of the situation. No objections were received by the Tribunal or by the Applicants.
5. The Applicants applied for dispensation from the statutory consultation requirements in order to authorise the repair and replacement of fire protection equipment in the building to ensure the safety of the occupants. An initial report carried out in April 2021 had revealed serious defects in the existing equipment and following the receipt of two separate quotations which were sent to

the leaseholders the works were carried out and completed on 21 April 2021.

6. No consultation has been undertaken but as stated above, no objections to the application have been received from the Respondents. No prejudice has been caused to any of the tenants by the lack of full consultation.
7. The Applicants seeks dispensation from all consultation requirements as it was not practical or possible to comply properly with the consultation requirements given the urgency of the works .
8. The application states that the works are qualifying works, which are works that, without a dispensation from the Tribunal, would require the Applicants to follow the consultation requirements set out in section 20 Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003.
9. The Applicants therefore request the Tribunal to grant a dispensation from compliance with the full requirements of the section in order to allow the sum incurred to be recovered through the service charge.
10. 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.
11. 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).
12. 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.
13. Having considered the submissions made by the Applicants the Tribunal is satisfied that the works carried out were necessary and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.

14. 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 05 October 2021

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.