



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

Case Reference : **LON/00AN/LDC/2020/0081**

Property : **157 Hammersmith Grove, London, W6
0NJ**

HMCTS code : **P: PAPERREMOTE**

Applicant : **Northumberland and Durham property
trust Limited**

Representative : **Mr David Holland, Town & City
Management Ltd, Darlington**

Respondents : **Ms E Ashwell (1)
Mrs S Cagnoli (2)
Mr S Calcagni (3)
Mr A Price (4)**

Representative : **None**

Type of Application : **Dispensation from consultation
requirements under section 20ZA
Landlord and Tenant Act 1985 (“the
Act”)**

Tribunal Member : **Mr Charles Norman FRICS
Valuer Chairman**

Date of Decision : **23 April 2021**

Determination by Written Representations

DECISION

Covid-19 pandemic: description of determination

This has been a remote determination on the papers which has been not objected to by the parties. The form of remote determination was by paper P: PAPERREMOTE. A face-to-face hearing was not held because it was not practicable, and no-one requested the same. The documents which the tribunal considered were in electronic form totalling 68 pages.

Decision

1. The application for dispensation is **GRANTED** unconditionally.

Reasons

Background

2. Application to the Tribunal was made on 23 April 2020 for a dispensation from the consultation requirements under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) (set out in the appendix). The subject matter is replacement of an old electrical intake cupboard and the supply and fit of a custom-made fully compliant lockable cabinet, following a fire risk assessment. The works have been completed.
3. Directions were issued on 21 July 2020 that the matter be dealt with by written representations unless any party made a request for an oral hearing, which none did. The directions required the applicant to give publicity to the application and serve copies on the lessees, evidence of which has been supplied. In addition, the respondents were invited to respond to the application, which none have. The Tribunal did not consider it necessary or proportionate inspect the property.

The Property

4. The property is described as a house converted into four flats.

The Respondents’ leases

5. Copies of leases were supplied but the Tribunal makes no finding as to payability or reasonableness of the costs to be incurred in this application.

The Applicant’s Case and Nature of the Works

6. The basis of the application is that following a fire risk assessment replacement of an old electrical intake cupboard and the supply and fit of a custom-made fully compliant lockable cabinet was required. The works have been completed and were carried out under a previous property manager. A paid invoice from Virtus Maintenance Services (invoice number 935) dated 20 February 2020 for £2,626 was supplied.

The Respondents' Case

7. The respondents did not respond to the application.

The Law

8. Section 20ZA is set out in the appendix to this decision. The Tribunal has discretion to grant dispensation when it considers it reasonable to do so. In addition, the Supreme Court Judgment in *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 empowers the Tribunal to grant dispensation on terms or subject to conditions.

Findings

9. The Tribunal considers that the works were urgent, and that the applicant has acted reasonably in seeking the dispensation sought. The Tribunal does not consider that any respondent will be prejudiced by the grant of dispensation. The Tribunal therefore grants dispensation in respect of the works and invoice from Virtus Maintenance Services (invoice number 935) dated 20 February 2020 for £2,626 as referred to above.
10. This application does not concern the issue of whether any service charge costs will be reasonable or payable. The leaseholders will continue to enjoy the protection of section 27A of the Act.

C Norman FRICS
Valuer Chairman

23 April 2021

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
- The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
- If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such

reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.

- The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.

Appendix

Section 20ZA Landlord and Tenant Act 1985

(1) 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.

(2) In section 20 and this section—

“qualifying works” means works on a building or any other premises, and

“qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

(3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—

(a) if it is an agreement of a description prescribed by the regulations, or

(b) in any circumstances so prescribed.

(4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

(a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,

(b) to obtain estimates for proposed works or agreements,

(c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,

(d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—

(a) may make provision generally or only in relation to specific cases, and

(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.