



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

**Case Reference** : **LON/00BK/LDC/2020/0228P**

**HMCTS code** : **P: Paperremote**

**Property** : **13 Mount Street, London W1K 2RE**

**Applicant** : **Forextra Developments Limited  
("the Landlord")**

**Representative** : **Goodman Mann Broomhall**

**Respondents** : **All leaseholders of the premises  
("the tenants")**

**Representative** : **N/A**

**Type of Application** : **For dispensation from the  
consultation requirements under  
section 20ZA Landlord & Tenant  
Act 1985**

**Tribunal Member** : **Tribunal Judge Dutton**

**Date of Decision** : **4 May 2021**

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**DECISION**

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**This has been a remote determination on the papers, which has not been objected to by the parties. A face to face hearing was not held because it was not practicable and all issues could be determined on papers before me as was requested by the applicant in its application. The documents that I was referred to are in a bundle of some 158 documents, the contents of which I have noted.**

### **Decision**

- (1) I determine that dispensation should be granted from the consultation requirements under s20 of the Landlord and Tenant Act 1985 (the Act) and the Service Charges (Consultation Requirements)(England) Regulations 2003 for the reasons I have stated below.**
- (2) I make no determination the reasonableness of the costs of same, these being matters which can be considered, if necessary, under the provisions of s27A and s19 of the Act.**

### **The application**

1. The applicant landlord sought dispensation from the consultation provisions in respect of roofing works to the property at 13 Mount Street, London W1K 2RE (the Property). The Property contains four flats owned by the Respondents and is over commercial premises at ground floor level.
2. This is the second decision relating to the works at the property. On 17 December 2020 the tribunal granted dispensation for the erection of scaffolding to carry out investigations into leakage at roof level to the front of the Property. This decision follows from that one in considering the request for dispensation for the roofing works discovered as being required following such inspection, which had been delayed as a result of the lack of funding. In the papers provided were two estimates that were obtained, one from Cresswell Cleaning and Facilities Management in the sum of £1,320 plus VAT and another from Cobra Projects in the sum of £1,695 plus VAT. Both quotes set out the work required and were provided to the lessees.
3. The tribunal did not consider that an inspection of the Building was necessary, nor would it have been proportionate to the issues in dispute.
4. The only issue for the tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements of section 20 of the 1985 Act.

**This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

**Findings**

5. In making its decision I have had regard to the fact that the applicant has apparently sought to carry out some consultation and kept the tenants informed of their intentions. It appears the tenants are generally in favour of the works proceeding and certainly made no objection to the earlier scaffolding works, although there appeared to be a certain reticence in paying the cost of same, which now appears to have been resolved. I am not aware of any objections to this second stage of the consultation process.
6. The Law applicable to this application is to be found at s20ZA of the Act. I have borne in mind the Supreme Court decision in Daejan and Benson. There has not been any allegation of prejudice to the leaseholders as set out in the Daejan case. It is not suggested that the lack of consultation has prevented alternative quotes from being sought. Further it seems clear to me that the roof required attention to maintain the Property. I therefore find that it is reasonable to grant dispensation from the consultation requirements required under s20 of the Act.
7. It will be for the applicant to satisfy any leaseholder that the costs of the works and the works themselves were reasonable and payable under the service charge regime of the leases by which the leaseholders own their interest in their respective flats. My decision is in respect of the dispensation from the provisions of s20 of the Act only.

*Andrew Dutton*

**Name: Tribunal Judge  
Dutton**

**Date: 4 May 2021**

**ANNEX – RIGHTS OF APPEAL**

1. **If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-Tier at the Regional Office which has been dealing with the case.**
2. **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.**

- 3. If the application is not made within the 28-day time limit, such application must include a request to 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.**
- 4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie 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**