



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

Case Reference : **LON/00BK/LDC/2022/0120
P:REMOTE**

Property : **First Floor Flat 105 Ebury St ,
London SW1W 9QU**

Applicant : **105 Ebury St RTM Company Ltd**

Representative : **Warwick Estates**

Respondents : **Ian De Silva
Angela Hay
Harmeet Singh Marwaha**

Representative : **Not represented**

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

Tribunal Members : **Judge F J Silverman MA LLM
Ms S Coughlin MCIEH**

**Date of paper
consideration** : **01 September 2022
10 Alfred Place, London WC1E 7LR**

Date of Decision : **01 September 2022**

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 02 June 2022.
3. Directions were issued by the Tribunal on 11 July 2022.
4. This matter was determined by a paper consideration on 01 September 2022 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. The property comprises a self-contained flat in a block of three flats. Water ingress into the property was traced to a defective box gutter.
7. In order to determine what works were needed to the gutter it was necessary to erect scaffolding to the rear elevation. An estimate for erecting the scaffolding together with a provisional sum for repairs was obtained but at approximately £5,000 exceeded the s20 limit. At the date of the application the works had not been carried out but it is understood that the works have now been completed.
8. No objections to this application have been received from the 3 tenants.

9. 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.
10. The Applicant, a Right to Manage company, has a repairing obligation in respect of the structure, exterior and common parts of the premises (including mains services) imposed on it by virtue of a lease dated 27 March 2015.
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 the expenditure of money for which they will in part be liable.
13. Having considered the submissions made by the Applicant the Tribunal is satisfied that the proposed works were both urgent and necessary and that no undue prejudice has or 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 01 September 2022

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.