



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

Case Reference : **LON/OOAU/LDC/2015/0148**

Property : **12 Penton Street, London N1 9PS**

Applicant : **Family Mosaic Housing Association**

Representative : **In person**

Respondents : **Leaseholders as set out in the application**

Representative : **None**

Type of Application : **For dispensation of the consultation requirements under section 20ZA**

Tribunal Judge : **Mrs S O'Sullivan
Mr P. Roberts Dip Arch RIBA**

Date of Decision : **9 February 2016**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a block or subdivided house constructed in 1997 consisting of 13 leasehold units known as 12 Penton Street, London N1 9PS (the “Property”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of qualifying works which have already been carried out.

The background

4. The application was received on 18 December 2015. The application seeks dispensation in relation to emergency works to prevent water ingress into the flats and/or common parts. These appear to include the clearing and flushing of the gutters and the removal and re-fixing of the downpipe. The landlord says there are potential safety concerns such as possible ceiling collapse, electrical problems and that as no temporary measures were appropriate, scaffolding was erected and the works commenced.
5. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

6. The Applicant had filed a bundle in accordance with the directions.
7. The Applicant included a quotation for the works in the bundle from TCL Group in the total sum of £3,762.36 plus Vat.
8. By letter dated 24 September 2015 the landlord notified the leaseholders that they intended to carry out the emergency works and that no consultation was possible due to the urgency of the works.

The Respondents’ position

9. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case by 25 January 2016. None of the leaseholders served any statements of case. However the tribunal notes that by a letter dated 31 January 2016 a number of

the leaseholders requested a meeting with the landlord to discuss various issues in relation to the ongoing maintenance and cleaning of the building and various documents were requested. No further correspondence has been received. Thus the tribunal concluded that the application was unopposed.

The Tribunal's decision

10. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works set out in the application and quotation from TCL Group dated 12 November 2015.

Reasons for the Tribunal's decision

11. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
12. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
13. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder. The tribunal would indicate however that if there are any further works at the Property which may become necessary due to the age and general condition these should form part of a proper planned consultation.
14. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.

Application under s.20C

15. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 9 February 2016