

2026



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

Case Reference : LON/00AW/LDC/2016/0142

Property : 17 Bolton Gardens, London SW5
0AJ

Applicant : Lenfell Bolton Management
Limited (Landlord)

Representative : Warwick Estates Property
Management Limited, Managing
Agents

Respondents : The Long Leaseholders of
Basement, Ground Floor, First
Floor, Second Floor, and Third
Floor Flats ,as noted in the
application

Representative : No appearance

Type of Application : Section 20ZA Landlord and Tenant
Act 1985; Dispensation with notice
requirements of Section 20

Tribunal Member : Judge Lancelot Robson

**Date and venue of
Determination** : 13th February 2017
10 Alfred Place, London WC1E 7LR

Date of Decision : 13th February 2017

DECISION

Decision Summary

- (1) The Tribunal decided to make an order as requested for dispensation from the requirements of Section 20 of the Landlord and Tenant Act 1985, under Section 20ZA of the Act.
- (2) The Tribunal made the other decisions noted below.
- (3) For the avoidance of doubt, and as stated in the Directions, this application and decision does not concern the issue of whether any service costs will be reasonable or payable.

Preliminary

1. The Applicant (the Leaseholders' management company), by an application dated 6th December 2016, seeks dispensation from all/some of the consultation requirements imposed by Section 20ZA of the Landlord and Tenant Act 1985 relating to urgent repairs to the eaves, stairs, alterations of the rainwater installation and associated works as noted in the specification of Day Associates dated October 2016, (for the avoidance of doubt including the prior erection of scaffolding).
2. Extracts from the relevant legislation are attached as Appendix 1 below.
3. Pursuant to Directions of the Tribunal made on 14th December 2016 a determination on the papers was fixed for the week commencing 30th January 2016 (subsequently relisted for the week commencing 13th February 2017), based on the urgency of the works and the apparent willingness of the Respondents to have the consultation requirements dispensed with. The Respondents were to be served with notice of the Application and the Directions by the Applicant by 22nd December 2016. The Directions requested that any Respondent who wished to oppose the application should indicate that by letter or email with a copy to the Tribunal by 13th January 2017. None did so.
4. The Applicant's main bundle of documents was received by the Tribunal on 6th February 2017.

Applicant's Case

5. The Application revealed that that the property comprised 5 flats in a building containing a basement and four upper floors. A specimen lease of the Ground Floor Flat dated 1st December 1998 was provided for information. The works were principally required to replace a decaying soffit and fascia at high level, part of which had already fallen, causing damage below.
6. The Applicant made this application stating that the work was urgent as there could be further internal damage to the building if the matter was not rectified quickly. The first consultation notice required by Section 20 had been served on 13th October 2016, but the Applicant had also

sent a covering letter of the same date explaining that it was likely to be necessary to do the work without completing the Section 20 procedure, and that the Applicant intended to make a Section 20ZA to deal with the omission. The Applicant, upon receipt of the Surveyor's specification on 31st October 2016, decided to send out tenders on the same day to 4 contractors. On 2nd December 2016 it informed the leaseholders by letter that it intended to instruct T.H Kenyon & Sons PLC to do the work at a cost of £12,068.04. No comments were received so Kenyons were instructed on 30th December 2016, and the work is reported to be in progress. .

Decision

7. The Tribunal noted that essentially its function under Section 20ZA was to decide if the work was urgent, or if otherwise it was reasonable to grant dispensation from the full consultation requirements of Section 20. No Respondent opposed the application. In the light of the evidence and submissions the Tribunal decided to grant dispensation from the notice requirements in Section 20 on the grounds that the work to be done was urgently required.

Tribunal Judge Lancelot Robson

13th February 2017

Appendix 1

Landlord & Tenant Act 1985

Section 20ZA Consultation requirements: supplementary

(1) 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 qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.