



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

Case reference : **LON/00AX/LDC/2017/0051**

Property : **43-45 Kingston Hill, Kingston upon Thames KT2 7PS**

Applicant : **Southern Land Securities Limited**

Representative : **Together Property Management Limited**

Respondent : **The leaseholders of the property**

Representative : **N/A**

Type of application : **To dispense with the requirement to consult lessees about major works: s20ZA LTA 1985**

Tribunal members : **Judge Hargreaves
Frank Coffey FRICS**

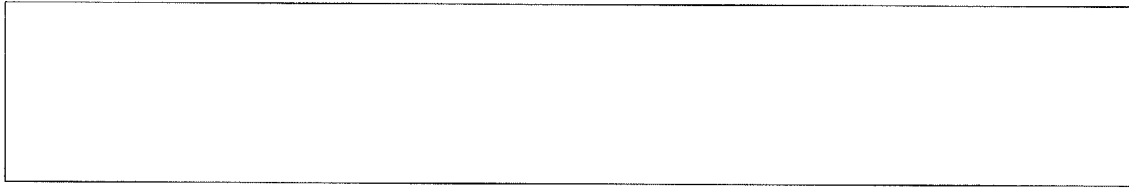
Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **12th June 2017**

DECISION

The Tribunal grants the Applicant dispensation under section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by section 20 of the 1985 Act¹ in respect of works required to drains at the property as specified in a quote dated 23rd February 2017 by Diamond Drains Limited for Job Number LC-28998.

¹ See the Service Charges (Consultation Requirements) (England) Regulations 2003 (SI 2003/1987)



REASONS

1. The Applicant seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 in respect of the consultation requirements imposed on the landlord by section 20 of the 1985 Act. The dispensation is sought in respect of works carried out to some of the drains at the property on 20th March 2017 by Diamond Drains Ltd.
2. The application was received on 9th May 2017. Directions were given on 12th May 2017. The Tribunal is satisfied that the Applicant has complied with the directions and that none of the leaseholders have objected to the application.
3. The Applicant has prepared a short bundle to which reference is made. The background is contained in an explanatory statement at p40 which is supported by evidence and other documents in the bundle. It is evident that the proposed works were necessary (to avoid a health hazard if nothing else, manholes being full of sewage when the problem was noted on 9th January 2017: see pages 41 and 42). Even though there was no time for formal s20 notices, it is clear that the leaseholders were on notice of the problem and the proposed repair scheme, raised questions about it (which were answered by the Applicant) and asked the Applicant to obtain a quote from their preferred contractor, Diamond Drains Limited. See pages 73-76. The final invoice is at p81.
4. The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.
5. The works come within the Applicant's responsibility: see clause 5(5) of the lease (see eg p22).
6. Where drains and manholes are blocked it is clearly incumbent on a landlord to undertake remedial work. Where that indicates (as in this case) that repairs are required, it is obviously appropriate that the relevant steps are taken sooner rather than later.
7. In the circumstances, it is entirely appropriate to dispense with the statutory consultation requirements as required by the application. In addition to the urgency of the works themselves, it is clear that the leaseholders were kept informed of the process throughout (eg p53) and engaged with it (see eg p55-56, p62-63). Although there may be issues as to why the works were

required (eg whether the original design was defective), these issues, which the leaseholders may wish to pursue, would not be good reasons for refusing dispensation on the facts of this case.

Judge Hargreaves

Frank Coffey FRICS

12th June 2017