



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

Case Reference : **LON/00AZ/LDC/2017/0054**

Property : **226 - 228 Brownhill Road London
SE6 1AT**

Applicant : **Southern Land Securities**

Representative : **Together Property Management**

Respondent : **ALL LESSEES AS PER
APPLICATION**

Representative : **n/a**

Type of Application : **For dispensation from the
consultation requirements
required by section 20 of the
Landlord and Tenant Act 1985**

Tribunal Members : **Judge Carr
Mr Peter Roberts DipArch RIBA**

**Date and venue of
Hearing** : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **9 August 2017**

DECISION

Decision of the Tribunal

1. The Tribunal determines to exercise its discretion to dispense with the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

The Application

2. The freeholder of the premises, by its representative, Together Property Management, applied on 10th May 2017 under section 20ZA for dispensation from the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

Procedure

3. The Tribunal held a pre-trial review of this matter on 18th May 2017 and issued directions on the same date. In those directions it was decided that the matter should be determined on the basis of written representations and without an oral hearing.
4. The Directions gave an opportunity for any party to request an oral hearing. They also gave an opportunity for any leaseholder who wishes to oppose the application from the landlord to provide a statement to the Tribunal setting out his or her reasons for so doing. No request has been made for an oral hearing and no representations have been received from the leaseholders opposing the application; therefore the matter is being determined on the basis of the papers.

Determination

The Evidence

5. The evidence before the Tribunal indicates as follows:
 - a. Contractors, JSD Scaffolding Services, were on site undertaking works to the parapet wall on the roof of the property. Upon closer inspection of the chimneys and the chimney pots they advised the Applicant's representative that urgent repairs were required to make the chimneys and chimney pots safe.
 - b. JSD Scaffolding Services provided the Application with a quotation for works and photographs of the affected areas. The Applicant's representative decided that as JSD already had scaffolding in situ it was not prudent to approach other contractors to provide quotations. Based on the photographs

provided it was clear to the Applicant's representative that the work needed to be done as soon as possible.

- c. The Applicant's representative wrote to leaseholders on 31st March 2017 and they were made aware of the work that was required and were informed of the Applicant's intention to proceed with the works and make an application to the First Tier Tribunal.
 - d. The Applicant's representative asked JSD Scaffolding to go ahead with the works on the basis of the quotation provided.
6. It is on this basis that the freeholder has made the application for dispensation.

The Law

7. 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:
8. "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).

The Tribunal's decision.

9. The Tribunal determines to grant the application.

The reasons for the Tribunal's decision.

10. The Tribunal determines that the works are necessary and that any delay may well have resulted in additional costs.

The parties should note that this determination does not concern the issue of whether any service charge costs will be reasonable or indeed payable. The Respondents are able, if it appears to them to be appropriate, to make an application under s.27A of the Landlord and Tenant Act 1985 as to reasonableness and payability.

Signed Judge Carr

Dated 9 August 2017