



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

**Case reference** : **LON/00AG/LDC/2018/0164**

**Property** : **68 Redington Road London NW3  
7RS**

**Applicant** : **68 Redington Road (Management  
Company)**

**Representative** : **Alderman Baines and Cuthbert**

**Respondent  
leaseholders** : **Various leaseholders as per the  
application**

**Representative** : **-**

**Type of application** : **To dispense with the consultation  
requirements under S.20 Landlord  
and Tenant Act 1985**

**Tribunal member(s)** : **Mrs E Flint DMS FRICS**

**Date and venue of  
determination** : **31 October 2018  
10 Alfred Place London WC1E 7LR**

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**DECISION**

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## **Decision of the tribunal**

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the works required to deal with the water ingress into Flat A of the property.

## **The Background**

1. The application under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) was made by the managing agents, Aldermartin Baines and Cuthbert, on behalf of the Applicants on 28 September 2018.
2. The application concerned a serious water leak through the roof of Flat A causing damage to the flat.
3. Directions were issued on 1 October 2018 requiring the applicant to prepare bundles by 22 October to include statements
  - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies, a copy of the lease and copies of any replies from the tenants;
  - (ii) The Leaseholders were asked to confirm by 15 October 2018 whether or not they would give their consent to the application.
  - (iii) In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application; and provide copies of all documents to be relied upon.
4. No responses were received from the leaseholders.
5. The lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

## **The Evidence**

6. The property comprises four flats.
7. On 23 September 2018 the lessee of Flat A notified the managing agents that during a heavy downpour water had dripped into several parts of the dressing room. On the same day, the managing agents arranged for a tarpaulin to be put over the roof as a temporary repair.

8. On 24 September the lessee liaised with a contractor to organise roof repairs and advised that the contractor had established that the cause of the leak was from the external pipework. On the same day two contractors were asked to quote for the repairs.
9. On 28 September the contractor who had given the lower quote began the repairs and completed the work on 5 October.
10. The managing agents have confirmed that in accordance with the Directions copies of the Dispensation Application had been sent to all of the Respondents and a further copy was hung in the communal area. No objections or negative comments had been received from any of the lessees.

### **The Decision**

11. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
12. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed as soon as possible to prevent further water ingress and damage to Flat A and that no prejudice to the lessees has been demonstrated or asserted.
13. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

**Name:** Evelyn Flint

**Date:** 31 October 2018

## **ANNEX - RIGHTS OF APPEAL**

- i. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
- ii. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
- iii. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- iv. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.