



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

**Case Reference** : LON/00AK/LDC/2018/0082

**Property** : 48 Hardwicke Road, London N13

**Applicant** : Mr Peter Panayiotou

**Respondents** : Mr Corrado and Mrs Solimini

**Type of Application** : Dispensation with Consultation  
Requirements under section 20ZA  
Landlord and Tenant Act 1985.

**Tribunal Members** : Judge Robert Latham  
Mr Charles Norman FRICS

**Date and venue of  
Hearing** : 6 June 2018  
at 10 Alfred Place, London WC1E 7LR

**Date of Decision** : 6 June 2018

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**DECISION**

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The Tribunal grants this application to dispense unconditionally with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

## Reasons

1. By an application made on 2 May 2018, the Applicant seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (“the Act”). The Applicant stated that it was content for the application to be dealt with on the papers. The tenants have not requested an oral hearing.
2. 48 Hardwicke Road, London, N13 4SG is a terraced house which has been converted into two flats consisting of a two-bedroom garden flat on the ground floor, and a two-bedroom flat on the first floor. The landlord proposes to re-roof the entire house and carry out associated works such as re-pointing, removal of chimney stacks on the rear addition and external decorations.
3. On 12 January 2018, the landlord sent to the tenants his Stage 1 Notice of Intention pursuant to Part 2 of Schedule 4 of the Service Charges (Consultation Requirements) (England) Regulations 2003. On 8 February, the tenants responded and proposed a contractor from whom an estimate should be sought. On 10 March, the landlord sent to the tenants his Stage 2 Notice of Estimates and Response to Observations. This included an estimate from the builder proposed by the tenants. The landlord also responded to the observations which had been made by the tenants. However, the landlord is concerned that his notice may have been outside the 21 day time limit specified by the Regulations. He is therefore seeking dispensation for any breach.
4. On 4 May, the Tribunal notified the tenants that this application had been received. On 8 May, the Tribunal gave Directions and allocated the case for a paper determination.
5. By 22 May, the tenants were directed to complete an attached reply form if they opposed the application. On 15 May, the tenants returned the form stating that they did not oppose the application. The landlord has provided a Bundle of Documents for the Tribunal.
6. Section 20ZA(1) of the Act provides:

“Where an application is made to the appropriate 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.”

7. The only issue which this Tribunal has been required to determine 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.
8. The Tribunal is satisfied that it is reasonable to grant dispensation in respect of any apparent breach of the Regulations. This is justified by the urgent need for the works. There is no suggested prejudice. If the Tribunal refused the application, the landlord states that he would feel compelled to restart the statutory consultation. There would be no practical purpose in requiring the landlord to do so. It would merely delay the execution of the works which both landlord and tenant agree are required.

**Judge Robert Latham**

**6 June 2018**

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).