



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

**Case Reference** : **LON/00AW/LDC/2021/0234  
P:REMOTE**

**Property** : **York Mansions, 215 Earls Court Road  
London SW5 9AF**

**Applicant** : **York Mansions Ltd**

**Representative** : **Quadrant Property Management Ltd**

**Respondents** : **Lessees of the 20 flats as named on the  
Application**

**Representative** : **Not represented**

**Type of  
Application** : **S20ZA Landlord and Tenant Act 1985**

**Tribunal Member** : **Judge F J Silverman MA LLM  
Ms S Coughlin MEICH**

**Date of paper  
consideration** : **09 December 2021**

**Date of Decision** : **09 December 2021**

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**DECISION**

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The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985 on the grounds that the works proposed by the Applicant are required urgently to maintain the safety of the building for its residents. No objections were received to the application.

## **REASONS**

1. By an application made to the Tribunal on 07 September 2021 the Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. Directions were issued by the Tribunal on 05 October 2021.
3. This matter was determined by a paper consideration P:REMOTE on 09 December 2021 at which the Tribunal considered the Applicant's application and accompanying documents.
4. The Directions issued by the Tribunal had been sent by the Applicant to all Respondents asking them to respond and to indicate whether or not they opposed the application. No objections were received by the Tribunal.
5. The Applicant applied for dispensation from the statutory consultation requirements in order to undertake urgent work to the property to maintain and repair the drains which were causing recurrent flooding to the basement flats in the building.
6. No s20 consultation has yet been undertaken but, as stated above, no objections to the application have been received from the Respondents.
7. The Applicant seeks dispensation from all consultation requirements as it would not be practical or possible to comply properly with the consultation requirements given the urgency of the works.
8. The supplied estimate for the proposed works quotes a price of £4,990 excluding VAT and the application states that the works are qualifying works, which are works that, without a dispensation from the Tribunal, would require the Applicant to follow the consultation requirements set out in section 20 Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003.
9. The application is said to be urgent because the blockage to the drains is causing recurrent flooding of the basement flats. No objections or comments have been received from the Respondents.

10. The Applicant therefore requests the Tribunal to grant a dispensation from compliance with the full requirements of the section in order to allow the sum incurred to be recovered through the service charge.
11. The Tribunal was not asked to inspect the property and in the context of the issues before it and the current Coronavirus guidance did not consider that an inspection of the property would be either necessary or proportionate.
12. 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:  
  
“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).
13. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable.
14. Having considered the submissions made by the Applicant the Tribunal is satisfied that the works carried out are necessary and urgent and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
15. This determination does not affect the tenants’ rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman  
**Date 09 December 2021**

Note:  
Appeals

## **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to [rplondon@justice.gov.uk](mailto:rplondon@justice.gov.uk).
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to

appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.