



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

**Case reference** : **LON/00AY/LDC/2020/0237**

**HMCTS code** : **P:PAPERREMOTE**

**Property** : **69 Mitcham Lane, London, SW16 6LW**

**Applicant** : **Long Term Reservations (Torquay) Ltd**

**Representative** : **Parkfords Property Management**

**Respondents** : **Ms J Hallum (Flat 1) Mrs R Wetheridge (Flat 2) Ms J Carmichael & Mr R Ogden (Flat 3) Ms M McInally (Flat 4) Mr L De Pledge & Ms K Walter (Flat 5) Ms J Evans (Flat 6) Mr Murray & Mrs Shmakova (Flat 7)**

**Representative** :

**Type of application** : **An Application for a Dispensation Order pursuant to section 20ZA of the Landlord and Tenant Act 1985**

**Tribunal member** : **JUDGE SHAW**

**Venue** : **PAPER DETERMINATION**

**Date of decision** : **21<sup>st</sup> January 2021**

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**DECISION**

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## **Covid-19 pandemic: description of hearing**

This has been a remote determination on the papers which has not been objected to by the parties. The form of remote hearing code and description was: P:PAPERREMOTE. A face-to-face hearing was not held because none of the parties requested such a hearing, and all the issues could be determined in a remote hearing, on paper. The documents submitted to the Tribunal will, as necessary, be referred to below, and all papers submitted have been perused and the contents considered. The order made is described at the end of these reasons.

## **Decision of the tribunal**

The tribunal determines that an order dispensing with the consultation provisions under section 20 of the Landlord and Tenant Act 1985, is appropriate in this case, and makes such order.

## **The application**

1. The application is dated 27<sup>th</sup> November 2020 and the Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) . . . .]

## **The hearing**

The Applicant sought a Paper Hearing, which was, as stated above, not objected to by the Respondents.

## **2. The background**

The Applicant landlord has applied for dispensation from the statutory consultation requirements in respect of roof repairs. The property at 69 Mitcham Lane is a block of seven flats. The flat roof has perished allowing rainwater into the bedroom and hallway of a flat. On 18 November 2020, the Applicant served a Notice of Intention, under the Act. The Applicant has received a quote from a contractor (PML Construction Limited, in the total sum of £2,283.25) and, if the works have not already taken place, is anxious to proceed at the earliest opportunity.

## **The Issues**

3. The sole issue in this case is whether the tribunal is satisfied that it is reasonable for the tribunal to dispense with the consultation provisions (section 20 of the Act) which would otherwise have applied to the qualifying works at the property, as described below.

### **The tribunal's decision**

4. The tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in relation to the roof works set out in the PML Construction Limited quotation dated 20<sup>th</sup> October 2020. A dispensation order to this effect is therefore made, as set out below.

### **Reasons for the tribunal's decision**

5. Directions in this case were given on 4<sup>th</sup> December 2020. In those Directions, the Respondent leaseholders were given the opportunity both to request an oral hearing and to object to the roof works. No such request has been received by the Tribunal, nor has there been any objection from any of the leaseholder Respondents. Whilst the Tribunal cannot know on the papers before it, it may be that in a small block like this, the Respondents are also shareholders in, and/or officers of, the Applicant landlord company. Whether or not that is the case, the Tribunal has seen the view of contractors, that the flat roof covering has perished, and has also seen photographic evidence of the rainwater penetration into the flat below. It has also seen an e-mail from the occupier of the affected flat, unsurprisingly, pressing for these urgent works to be carried out, and which, again, have not been objected to by any of the Respondents.

### **6. DECISION**

For the reasons set out above, the tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in relation to the roof and remedial decorative works described in the quotation referred to at paragraph 2 of this Decision. A dispensation order to this effect is therefore made. It should be understood that nothing in this Decision precludes the entitlement of the Respondents to challenge the cost, quality, reasonableness or payability of service charges for these works, under the provisions of section 27A of the Act, should they have reason or desire to do so after the works have been completed.

**Name:** JUDGE SHAW

**Date:** 21<sup>st</sup> January 2021

## **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.