



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

Case reference : **LON/00AG/LDC/2021/0274P**

Property : **12-18 Bloomsbury Street,
Bloomsbury Plaza, London WC1B
3QA**

Applicant : **Standard Securities Limited Ltd**

Representative : **Mr David Rowling, Eddisons**

Respondents : **The leaseholders named on the
application**

Representative :

Type of application : **For the dispensation of some of the
consultation requirements under
s.20 Landlord and Tenant Act 1985**

Tribunal members : **Judge Simon Brilliant**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **18 January 2022**

DECISION

Decision of the Tribunal

The Tribunal determines that those parts of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

This has been a remote hearing on the papers which has been not objected to by the parties. The form of remote hearing was P. A face to face hearing was not held because it was not practicable, and all issues could be determined on paper. The documents that I was referred to are in a bundle of 65 pages, the contents of which I have noted. The order made is described at the end of these reasons.

The application

1. The applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by section 20 of the Act. The application was dated 19 October 2021.
2. Directions of the Tribunal were issued on 18 November 2021.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

The hearing

4. The matter was determined by way of a paper hearing which took place remotely on 18 January 2022.

The background

5. The applicant is the landlord of 12-18 Bloomsbury Street, Bloomsbury Plaza, London WC1B 3QA ("the building").

The application

6. The application concerns roof repairs to the building. It transpired that the waterproofing on the roof was in a worse condition than the managing agent first believed. Water was entering the flats in the building. Patch repairing was not an option, and to ensure that the building was watertight with no further detrimental impact on the tenants, the work was considered urgent.

The evidence

7. In his witness statement Mr Rowling sets out the details of the work which was required. On 28 July 2021, Heartfelt Roofing & Construction Ltd quoted for the necessary works in the sum of £9,495.00. Work commenced in November 2021 and was expected to take 3 to 4 days.
8. Notice of this application was given to the tenants, and none has objected to it.

Decision of the tribunal

9. Section 20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works

unless the consultation requirements have either been complied with or dispensed with.

10. Dispensation is dealt with by section 20ZA of the Act which 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"

11. The tribunal is satisfied that, in the particular circumstances of this case, involving the urgent need to prevent water penetration into the flats, it is reasonable to dispense with the consultation requirements in respect of the roof repairs.

18. The tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act. It does not decide whether the work is of a reasonable standard or was undertaken at a reasonable cost.

Name: Simon Brilliant

Date: 18 January 2022