



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

Case Reference : **MAN/00DA/LDC/2022/0026**

Property : **Leconfield Court, Wetherby LS22 6TY**

Applicant : **Leconfield Court Management Company Ltd.**

Representative : **Watson Property Management Company**

Respondent : **Various Long Residential Leaseholders – see Annex.**

Type of Application : **Landlord & Tenant Act 1985 – Section 20ZA**

Tribunal Members : **Caroline Hunter
John Faulkner**

Date of Decision : **12 September 2022**

DECISION

Summary Decision

1. The Tribunal gives dispensation from the consultation requirements.

Application

2. On 13 April 2022 Leconfield Court Management Company Ltd (the applicant) applied for dispensation from the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 ('the Act') with regard to works to the drains of Leconfield Court, Wetherby ('the property'). The applicant considers that the works are needed to be carried out urgently.
3. Directions were issued on 08 July 2022. Those directions made it clear that the application does not concern the issue of whether any service charge costs resulting from any such works are reasonable or indeed payable and it will be open to lessees to challenge any such charged by the applicant.
4. The Directions considered that the matter is one that can be resolved by way of submissions of written evidence. Further to the Directions, the applicant provided a bundle of documents. The respondents did not provide any statement in response.

The Law

5. Section 20 of the Act limits certain service charges unless the consultation requirements in the section are complied with or dispensed with under section 20ZA is received. Section 20ZA provides:
 - (1) 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.

The Facts

6. The application was made due to sewage seeping into a leaseholders' garage at the property. The seepage was caused by cracks in three manhole chambers. The leaseholders were informed of the application to the Tribunal on 13 April 2022 as well as the total costs of the works - £8,925.00 plus VAT. Only one quote was provided.
7. The works were completed in May 2022.
8. The applicant asserts that the works are urgent because of the bacteria in the sewage in the sewage creating a health and safety issue.

Decision

9. For the reasons set out in the application we consider that it is reasonable to give dispensation.

RIGHTS OF APPEAL

10. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional Office, which has been dealing with the case.
11. 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.
12. If the person wishing to appeal does not comply with the 28 day time limit, that 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.
13. 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.

Annex

Flat Number	Name
Flat 1	Mr J. and Mrs Hattersley
Flat 2	Ms L. Rowden
Flat 3	Mr D. and Mrs A. Atkinson
Flat 4	Mr B. and Mrs M. Hogan
Flat 5	Mr M. Geary
Flat 6	Mr R. and Mrs Hanson
Flat 7	Mr S. and Mrs E. Calvert
Flat 8	Ms J. Gallenero and Ms M. Librodo
Flat 9	Mrs P. Clegg
Flat 10	Mr J. and A. Waite
Flat 11	Mr R. and Mrs M. James
Flat 12	Mr D. Taylor and Ms B. Taylor-Connor
Flat 13	Mr H. Hutton
Flat 14	Miss H. Toynbee
Flat 15	Mr T. Boden
Flat 16	Mr J. and Mrs A. Bade
Flat 17	Mr J. and Mrs V. Andrews
Flat 18	Mr M. McCarney
Flat 19	Mr S. and Mrs E. Calvert
Flat 20	Mr R. and Mrs M. Wray
Flat 21	Mr A. Rodda
Flat 22	Ms S. Martinovic

Flat 23	Me M. Howcroft
Flat 24	Ms. D. Kerfoot
Flat 25	Mr D. Noble
Flat 26	Mrs C. Playford
Flat 27	Mr R. and Mrs R. Aitken
Flat 28	Mrs C. Bentley