



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

Case Reference : **MAN/00FF/LDC/2022/0042**

Property : **Arndale Court, 290 Tadcaster Road,
York YO24 1EU**

Applicants : **The Arndale Management Co Ltd**

Respondent : **Various Leaseholders (see Annex A)**

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

Tribunal Members : **Mr P Barber
Mr J Gallagher (MRICS)**

Date : **27 September 2022**

DECISION AND REASONS

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Decision

1. The Tribunal grants dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 under section 20ZA of that Act.

The Application

2. On the 13 June 2022 the applicant made an application for dispensation from the consultation requirements under section 20 of the Landlord and Tenant Act 1985 in relation to urgent works on the drains servicing the property.
3. By directions dated the 11 July 2022 the applicant was sent to the respondents with a direction that any respondent who opposes the application may send a statement in response to the Tribunal and the applicant within 21 days. That time period was extended to the 22 September 2022 in subsequent correspondence. No respondent has responded to this application.

The Law

4. The Tribunal can grant dispensation under section 20ZA in relation to qualifying works if satisfied that it is reasonable to dispense with the consultation requirements set out in section 20 of the 1985 Act.

Reasons for Granting Dispensation

5. The Tribunal can grant dispensation if dispensation from the requirements to consult is reasonable.
6. We are satisfied that it is reasonable to grant dispensation due to the urgent nature of the works. We note that the applicant obtained a drainage report on the 16 March 2022 which indicated that part of the drainage system was subject to root damage and that the remedial costs for the works would be in the sum of £2200. At that time the applicant decided to delay the works to allow other, more urgent works to proceed, such as repairs to rotting window frames. Following completion of these works, a further drainage report was obtained in June 2022 which indicated a substantial deterioration in the condition of the drain had occurred during the three-month period. By that time the costs had increased to £3050 and it became apparent that the works were urgent and any further delay may result in further damage and increased costs.
7. It follows that we accept that works are urgent and that in all the circumstances of the application, including any prejudice to the respondents, we are satisfied that dispensation should be granted.

8. The parties are reminded, as was set out in the directions, that this decision has no bearing on any issues under sections 18 and 27A of the Act as to the reasonableness and payability of any service charge costs resulting from the works.
9. If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on a point of law only. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013) stating the grounds upon which it is intended to rely in the appeal.

P Barber
Tribunal Judge
27 September 2022

Annex A

Respondent Leaseholders

York Holiday Rentals Limited

Mr S Goulden

Mr & Mrs G H Weston

Ms AB Powley

Mr AJ Robson

Ms AC Hughes