



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

**Case Reference** : **LON/00AG/LDC/2017/0103**

**Property** : **155 Goldhurst Terrace, London  
NW6 3EU**

**Applicant** : **Sarum Properties Limited**

**Representative** : **Remus Management Limited**

**Respondents** : **(1) Mr and Mrs Fazal  
(2) Mrs De Dodero  
(3) Mr Soussan  
(4) Mr and Mrs Bragg**

**Representative** : **None**

**Type of Application** : **For dispensation of the  
consultation requirements under  
section 20ZA**

**Tribunal Member** : **Judge S O'Sullivan  
Mr D Jagger MRICS**

**Date of Decision** : **11 October 2017**

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**DECISION**

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## **The application**

1. The applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as Victorian terrace house converted into 4 flats known as 155 Goldhurst Terrace, London NW6 3EU (the “Property”) and the application is made against the various leaseholders shown in this decision (the “respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with. The applicant seeks dispensation in respect of qualifying works to a structural pier at the Property.

## **The background**

3. The application was received on 5 September 2017. Directions were made dated 7 September 2017 which provided for the applicant to serve a copy of the directions on all respondents and for them to then indicate whether they consented to the application or not and wished to have a hearing. The applicant confirmed by email dated 14 September 2017 that it had displayed the application and directions in the communal hallway at the Property and by email dated 11 October 2017 that a copy of the application and directions to the leaseholders by first class post.
4. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 11 October 2017. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
5. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

## **The Applicant’s case**

6. The applicant relied on a bundle lodged in support. The applicant says that several cracks were discovered in the Garden Flat at the Property. A structural engineer subsequently visited the Property and found that there was an issue with a pillar which required immediate attention. The tribunal was provided with a copy of a report from Alan Brackley of JNP Group, Structural Engineers. This confirmed that *“the structural integrity of the masonry was compromised by the inclusion of approximately 75mm depth of render pushed in place to replace*

*missing bricks. The work should be undertaken as a matter of priority."*

7. A specification of works was prepared and the applicant served a Notice of Intention dated 30 August 2017 and obtained 2 quotations. However given the content of the structural engineer's report it was considered the works should be carried out as a priority and there was insufficient time to carry out full consultation. The applicant therefore proceeded on the basis of the lowest quotation in the sum of £3,936 plus Vat. The works commenced on 6 September 2017.

### **The Respondents' position**

8. The directions provided for any leaseholder who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

### **The Tribunal's decision**

9. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works to the pier contained in the specification.

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

10. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
11. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
12. The tribunal hereby orders that the applicant shall serve a copy of this decision on each leaseholder. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable and payable and those costs may be the subject of a future challenge under section 27A of the 1985 Act.

**Name:** S O'Sullivan

**Date:** 11 October 2017