



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

Case Reference : **LON/00AT/LDC/2019/0144**

Property : **1 – 12, 14, and 15 Vicarage Farm Court**

Applicant : **Home Group Limited**

Representative :

Respondent : **ALL LESSEES AS PER APPLICATION**

Representative : **n/a**

Type of Application : **For dispensation from the consultation requirements required by section 20 of the Landlord and Tenant Act 1985**

Tribunal Members : **Judge Carr
Mr Mathews FRICS**

Date of Decision : **7th June 2019**

DECISION

Decision of the Tribunal

1. The Tribunal determines to exercise its discretion to dispense with the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

The Application

2. Agustina Dougan, on behalf of Home Group Limited, managing agents for the freeholder of the premises, applied on 17th April 2019 under section 20ZA of the Landlord and Tenant Act 1985 for dispensation from the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

Procedure

3. The Tribunal held a case management review of this matter on 8th May 2019 and issued directions on the same date. In those directions it was decided that in view of the urgency of the application the matter should be determined on the basis of written representations and without an oral hearing.
4. The Directions gave an opportunity for any party to request an oral hearing. They also gave an opportunity for any leaseholder who wishes to oppose the application from the landlord to provide a statement to the Tribunal setting out his or her reasons for so doing. None of the parties requested an oral hearing, nor did any leaseholder object and therefore the matter is being determined on the basis of the documents provided.

Determination

The Evidence

5. The evidence before the Tribunal indicates as follows:
 - a. The property is a purpose built block of 14 flats.
 - b. There is a collapsed drain to the building which is affecting sewage flow for the whole of the building and causing blockage to toilets.
 - c. The managing agents instructed a contractor to provide a quotation for necessary works. These comprise a localised

excavation of defective pipework, replacement with new UPVC pipework and fittings, and a CCTV conditional survey report with any further necessary recommendations.

- d. The Applicants wish to carry the work out urgently.
- e. The managing agents therefore applied to the Tribunal for dispensation from the consultation requirements on the basis of the urgent nature of the works which is causing distress and inconvenience.
- f. Following the issue of directions, the managing agents communicated with all of the lessees about the proposed works and their urgency. No objections were received in connection with the proposed works.

The Law

6. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides:
7. “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**” (emphasis added).

The Tribunal’s decision.

8. The Tribunal determines to grant the application.

The reasons for the Tribunal’s decision.

9. The Tribunal considers that the works are necessary and urgent.
10. **The parties should note that this determination does not concern the issue of whether any service charge costs will be reasonable or indeed payable. The Respondents are able, if it appears to them to be appropriate, to make an application under s.27A of the Landlord and Tenant Act 1985 as to reasonableness and payability.**

Signed Judge Carr

Dated 7th June 2019