



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

Case reference : **LON/00BK/LDC/2022/0055**

HMCTS code (paper, video, audio) : **P: PAPERREMOTE.**

Property : **22 Alexander Street, London W2 5NT.**

Applicant : **Together Property Management.**

Representative : **Elly Chatzimanoli**

Freeholder : **Southern Land Securities Limited.**

Respondent : **The leaseholders as per the application.**

Representative : **In person.**

Type of application : **Application for dispensation under S.20ZA of the Landlord and Tenant Act 1985**

Tribunal members : **Ms. A. Hamilton-Farey**
Mr. S. Mason
Ms. J. Gittus

Venue : **Remote.**

Date of decision : **20 June 2022.**

DECISION

Covid-19 pandemic: description of hearing.

This has been a remote determination on the papers, which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE.. A face-to-face hearing was not held because it was not practicable, and all issues could be determined on the papers. The documents that the tribunal was referred to are in a bundle of 47 pages, the contents of which have been noted.

Decisions of the tribunal

- (1) The tribunal grants dispensation from the requirements to consult leaseholders in respect of the works to the aco drain system as per the application.

The application

1. The Applicant seeks a determination pursuant to s.20za of the Landlord and Tenant Act 1985 (“the 1985 Act”) in relation to qualifying works involving the installation of an Aco drain to prevent water ingress. The applicant says that water was seeping into the property causing damage to the basement flat and that the works to supply the drain were under the consultation threshold, but that once the work started it became more extensive, bringing the costs above the threshold and therefore the need to consult leaseholders. Works had already started and therefore the applicant seeks retrospective dispensation from the requirements to consult.
2. Temporary repairs were carried out to the entrance steps, with permanent repairs due to be undertaken during the external repairs and redecoration works due later this year.
3. The tribunal issued directions on 29 April 2022 that required the applicant to serve a copy of the application and the directions on the respondent leaseholders by 6 May 2022. Those respondents who opposed the application were directed to provide their statement of case to the tribunal and the applicant by 27 May. The tribunal directed that this matter be dealt with on the papers during the week commencing 20 June 2022.
4. A bundle of documents was lodged, this included the incorrect lease for the property. However, this determination does not deal with the liability to pay for these works, merely whether the landlord must consult with leaseholders or not. Before raising invoices for the works the applicant should check the relevant lease to ensure that it enables recovery of the sums claimed.

5. The tribunal has been provided with the correspondence between the parties, but there is nothing from the leaseholders to say that they object to the application.

Reasons:

6. The tribunal is satisfied that the works to prevent water ingress into the basement flat were required urgently, and that it was not feasible for the landlord to consult leaseholders under S.20 of the Landlord and Tenant Act 1985.
7. The respondent leaseholders have not objected to the application and in the circumstances the tribunal exercises its discretion and grants dispensation from the requirements to consult.

Name: Aileen Hamilton-Farey **Date:** 20 June 2022.

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).