



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

Case Reference : **LON/00AP/LDC/2014/0058**

Property : **Wren View, 75 Hornsey Lane,
Highgate, London N6 5LH**

Applicant : **Wrenview Management Company
Limited**

Representative : **Ringley Limited**

Respondents : **The lessees listed in the schedule to
the application**

Representative : **None**

Type of Application : **To dispense with consultation
requirements under s.20ZA of the
Landlord and Tenant Act 1985**

Tribunal Judge : **Ms N Hawkes**

**Venue of Paper
Determination** : **10 Alfred Place, London WC1E 7LR**

Date of Decision : **9th April 2014**

DECISION

Background

1. The applicant, Ringley Limited, has applied to the Tribunal under S20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to Wren View, 75 Hornsey Lane, Highgate, London N6 5LH (“the Property”).
2. The Property comprises a purpose built block of fifteen flats constructed in the early 1960s. The application is dated 2nd April 2014 and the respondent lessees are listed in an addendum to the application.
3. The application is made in relation to the proposed replacement of two defective concrete lintels at fifth floor level.
4. Directions of the Tribunal were issued on 15th April 2014. The applicant requested a paper determination and no application has been made on behalf of any of the respondents for an oral hearing. This matter was therefore determined by the Tribunal by way of a paper determination on Friday 9th April 2014.
5. The Tribunal did not consider that an inspection of the Property would be of assistance nor would it have been proportionate to the issues in dispute.

The Applicant’s case

6. The applicant states that dispensation is sought from the full section 20 consultation requirements because two defective concrete lintels at fifth floor level in the block present a serious risk to the health and safety of occupiers and visitors to the Property and require urgent replacement. The applicant explains that there is a risk that large pieces of concrete will fall down. A notice of intention to carry out the proposed work dated 9th April 2014 has been served on the respondents.

The Respondents’ case

7. None of the respondents have filed written representations with the Tribunal or requested an oral hearing. The leaseholders of flats 3, 5, 6, 10 and 15 have informed the Tribunal that they support the applicant’s application.

The Tribunal's determination

8. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
9. Section 20ZA of the 1985 Act provides that where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
10. Having considered the application, the evidence in support and the lack of any opposition on the part of the respondents, I determine pursuant to section 20ZA of the Landlord and Tenant Act 1985 that it is reasonable to dispense with the statutory consultation requirements in respect of the work described in application dated 3rd March 2014. I am satisfied that the work in question is urgently required on health and safety grounds.
11. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**

Judge: Naomi Hawkes

Date: 9th May 2014