



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

Case Reference : LON/00AL/LDC/2014/0161

Property : Woodhill Court, 173-175 Woodhill,
London SE18 5HS

Applicant : Woodhill Court Management Co
Ltd

Representative : KMP Solutions, managing agents

Respondents : Various leaseholders

Type of Application : Dispensation from consultation
regulations

Tribunal : Judge Nicol
Mr C Gowman
Mrs L West

Date of Decision : 12th January 2015

DECISION

Decision of the Tribunal

The Tribunal grants the Applicant dispensation from the consultation requirements of the Service Charges (Consultation Requirements) (England) Regulations 2003.

Reasons

1. The Applicant seeks dispensation from the consultation requirements of the Service Charges (Consultation Requirements) (England)

Regulations 2003 under section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”). The Tribunal issued directions on 10th December 2014 providing for the lessees to be notified of the application and given an opportunity to oppose the application. The Applicant provided the notification directed but none of the lessees have indicated any opposition to the application (one lessee indicated support).

2. Section 20 of the 1985 Act and the aforementioned regulations made under it require a landlord carrying out works which will cost a service charge payer more than £250 to go through a specific consultation process before commencing the works. That process contains two consultation periods of 30 days which means that compliance with the regulations will take a minimum period in excess of two months.
3. The Tribunal has the power to dispense with the consultation requirements under section 20ZA of the 1985 Act if satisfied that it is reasonable to do so. According to the Supreme Court in *Daejan Investments Ltd v Benson* [2013] UKSC 14; [2013] 1 WLR 854, the purpose of s.20ZA is to ensure tenants are not required (i) to pay for services which are unnecessary or defective and (ii) to pay more than they should. Therefore, the Tribunal considering this issue should focus on the extent to which the lessees were prejudiced in either respect by a failure to comply with the requirements. If the extent, quality and cost of the works were not affected, it is difficult to see why dispensation should not be granted unless there is some very good reason.
4. The works in question are roof repair works costing over £12,000. The lessees were notified of the need for the works and three quotes were obtained from suitable contractors. The top floor flat has been rendered uninhabitable by penetrating water so, due to the urgency of the situation, the works were completed by 18th December 2014.
5. The Tribunal is satisfied that the work needed to be done and, particularly in the light of the lack of opposition, that there is no identifiable prejudice to any lessee arising from any lack of compliance with the consultation requirements.
6. For the reasons set out above, the Tribunal is satisfied that it is reasonable to grant dispensation from the statutory consultation requirements.

Name: NK Nicol

Date: 12th January 2015