



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

**Case Reference** : **CAM/11UF/LDC/2019/0014**

**Property** : **Imperial Court, 230 West  
Wycombe Road, High Wycombe  
HP12 3AR**

**Applicant** : **Amersham Insurance Brokers  
Limited**

**Representative** : **Neil Douglas Block Management**

**Respondents** : **Various leaseholders as set out in  
the application**

**Landlord** : **Amersham Insurance Brokers  
Limited**

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

**Tribunal Member** : **Judge Wayte**

**Date of Decision** : **12 July 2019**

---

**DECISION**

---

**The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works described in the application.**

### **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 a purpose-built block with 7 flats (the “Property”) and the application is made against the various leaseholders in the schedule attached to the application form (the “Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The works to be undertaken are in respect of the roof and in particular to remove and re-bed two rows of hip tiles which are said to be at risk of falling with obvious risk to the health and safety of residents and passers-by. Scaffolding will need to be erected which will prevent use of the car park for the period of the works.

### **The background**

4. The application was received on 28 May 2019. Directions were made that day and subsequently amended on 12 June 2019. They provided for the Applicant to serve a copy of the directions on the 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 letter dated 10 June 2019 that it had served all the leaseholders in accordance with the directions. The amended directions gave the leaseholders additional time to respond, on the applicant’s request.
5. 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 12 July 2019.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. 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**

8. The Applicant relied on the papers filed with the application.

9. There was no report on the state of the roof but the agents had obtained two quotes for the works, one of which confirmed that the hip ridges were in a very bad state of repair. That quote was from BP Bennett & Son for £1,840 plus VAT. The other quote was from Ace Roofing for £4,030 plus VAT. The applicant proposes to use the cheaper quote, which would amount to just over £315 per leaseholder assuming they are liable in equal shares.

### **The Respondents' position**

10. The directions provided for any Respondent who wished to oppose the application for dispensation to complete the reply form attached to the directions and send it to the tribunal and the Applicant. Neither the Applicant nor the tribunal has received any response or statement of case in opposition to the application. In the circumstances the tribunal concluded that the application was unopposed.

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

11. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

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

12. 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*".
13. The application was not opposed by the leaseholders. The tribunal is satisfied that the works are urgently required. Although this decision does not amount to a determination as to the reasonableness of the cost of the works, the Applicant's representatives have obtained two quotes and chosen the lower one. In the circumstances it is appropriate to grant an order for dispensation.

### **Application under s.20C**

14. There was no application for any order under section 20C before the tribunal.

**Name:** Judge Wayte

**Date:** 12 July 2019

## **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).