



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

**Case reference** : LON/00AG/LDC/2022/0124

**Applicant** : Dawn Howells

**Respondent** : Mr G Mandelbrote  
Mr M Baldwin

**Property** : 137a Grays Inn Road, London, WC1X  
8TU

**Tribunal** : Judge W Hansen

**Date of decision** : 15 September 2022 (Paper  
Determination)

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**DECISION ON AN APPLICATION UNDER SECTION 20ZA OF THE  
LANDLORD AND TENANT ACT 1985**

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**Decision of the Tribunal**

- (1) The Tribunal determines that the consultation requirements in relation to render repairs at 137a Gray's Inn Road, London WC1, including the erecting and dismantling of scaffolding, be dispensed with on terms that the costs incurred in relation to this application for dispensation shall not be regarded as relevant costs to be taken into account in determining the amount of any service charge payable by the tenants;
- (2) The Tribunal records that this is not a determination in relation to the reasonableness of the costs of the said works.

## **The Application**

1. By an application dated 30 June 2022 the Applicant seeks a dispensation order under section 20ZA(1) of the Landlord and Tenant Act 1985. The Applicant is the freehold owner of 137a Gray's Inn Road, London WC1 ("the Property"). The Property consists of a commercial unit and two residential flats above. The Applicant is the freeholder. The Respondents are the two lessees of the residential flats.
2. The basis on which the appropriate tribunal is to exercise the power to dispense with the consultation requirements is provided for by section 20ZA(1), which states:

*"Where an application is made to the appropriate 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."*
3. The application relates to render repairs required following the discovery in the course of decorating the Property in June 2022 that much of the render was loose and crumbling and represented a hazard to passing pedestrians. It would appear that when decorators commenced work on 22 June 2022 they discovered that a very large part of the external rendering was not stable. It made no sense simply painting over this unstable surface and hence the landlord commissioned urgent render repairs. In order to gain proper access to the walls it is necessary to erect a scaffold. The total costs incurred or estimated to be incurred are £24,500 + VAT for hacking off the old render and re-rendering plus £5,400 plus VAT for the scaffolding.
4. The lessees were informed of what had been discovered and following this application, directions were issued in the usual way giving the Respondents the opportunity to respond to and/or object to this application but neither has done so. It is therefore unopposed. Nonetheless, I must still consider whether it is reasonable to dispense with the consultation requirements.

5. Whilst the application is somewhat lacking in detail, I am satisfied that it is reasonable to dispense with the consultation requirements. There is a clear risk of falling render causing damage to passing pedestrians and hence a real urgency to the matter. No prejudice has been identified by the lessees and I am satisfied there is none. As recently confirmed by the Upper Tribunal in *Aster Communities v Chapman* [2020] UKUT 177 (LC) (aff'd [2021] EWCA Civ 660): “*The exercise of the jurisdiction to dispense with the consultation requirements stands or falls on the issue of prejudice*”.
6. I therefore dispense with the consultation requirements in relation to these works, but on terms that the cost of this application is not passed on to the tenants via the service charge. A dispensation on these terms is usual following *Daejan v. Benson* [2013] 1 WLR 854 and I consider it appropriate on the facts of this case.
7. For the avoidance of doubt, this determination relates only to the issue of dispensation and is not a determination in relation to the reasonableness of the costs of the said works.

**Name:** Judge W Hansen

**Date:** 15 September 2022