



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

Case Reference : **MAN/OODA/LDC/2021/0069**

Property : **Whitehall Waterfront, 2 Riverside Way,
Leeds, LS1 4EH**

Applicant : **Adriatic Land (GR3) Limited**
Representative : **JB Leitch Limited**

Respondents : **Various Residential Long Leaseholders
(see Annex A)**

Type of Application : **Section 27A Landlord and Tenant Act
1985 – Section 20ZA**

Tribunal Members : **Tribunal Judge J.E. Oliver
Tribunal Member S.A. Kendall**

**Date of
Determination** : **16th June 2022**

Date of Decision : **4th July 2022**

DECISION

Decision

1. The application to dispense with the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 (“the Act”) regarding the works specified by the Applicant to ensure the safety of the residents at Whitehall Waterfront, 2 Riverside Way, Leeds is granted.

Reasons

Background

2. This is an application made by Adriatic Land (GR3) Limited (“the Applicant”) for the dispensation of the consultation requirements imposed by Section 20 of the Landlord & Tenant Act 1985 (“the Act”) regarding works required to remedy the existing external wall system at Whitehall Waterfront. 2 Riverside Way, Leeds (“the Property”).
3. The Applicant has stated the external wall system comprises combustible materials and poses a fire risk.
4. The Respondents to the application are the various long leaseholders of the residential apartments forming part of the Property (“the Respondents”).
5. The application is dated 20th October 2021 and in respect of which directions were issued on 21st February 2022 providing for the filing of any objection by the Respondents and for the application to be determined without a hearing.
6. There have been no objections received in respect of the application.

The Law

7. Section 20 of the Act provides:
 - (1) *Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either-*
 - (a) *complied with in relation to the works or agreement, or*
 - (b) *dispensed with in relation to the works or agreement by (or on appeal from) a tribunal*
 - (2) *In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement*
 - (3) *This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.*

8. In the event the requirements of section 20 have not been complied with, or there is insufficient time for the consultation process to be implemented then an application can be made to the First-tier Tribunal pursuant to section 20ZA of the Act.

9. Section 20ZA of the Act provides:

(1) *Where an application is made to a tribunal for a determination to dispense with all or any 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*

Submissions

1. The Applicant is the landlord of the Property, a L-shaped building ranging from 10 to 16 storeys. The ground floor contains commercial units whilst the upper floors are principally residential units.
2. The Applicant has been made aware that remedial works are required to the Property regarding the construction of the external wall system that is constructed of combustible materials and poses a fire risk.
3. The Applicant has appointed specialist firms to report further upon the work required to remedy the defects and they have recommended works to include the removal of the balconies and for them to be refurbished before re-installation, remove the existing cladding and then apply render, remove terracotta tiles and reinstate after remedial work and remove and replace both silver and dark grey aluminium panels. The cost of the work will require compliance with the consultation requirements of section 20 of the Act.
4. The Applicant has registered the Property with the Government Building Safety Fund due to the nature of the remedial work and has claimed for the full cost of the work, but this may not be granted. The requirements of the fund are such that once funding is granted, it is expected any work will be carried out quickly.
5. The Applicant has chosen to proceed with the work under a Design and Build procurement route which is where the appointed contractor both designs and constructs the work.
6. The Applicant has instructed Savills to carry out the remedial work via a Design and Build contract and they have estimated the cost to be £7,412,950.82, excluding VAT.
7. The Applicant seeks dispensation from all consultation requirements since it is said it would not be practicable to comply with them given the method of funding, the procurement method for dealing with the works and the urgency of it.
8. The Applicant has commenced the consultation process by sending a Stage 1 Notice of Intention, dated 15th October 2020, to the Respondents and have also provided regular updates.

9. The Applicant submits the Respondents will not suffer any financial prejudice by the granting of dispensation. If dispensation is not granted and consultation is req then any government funding could be lost resulting in higher costs for the Respondents.

Determination

10. The Tribunal is being asked to exercise its discretion under section 20ZA of the Act. Section 20ZA (1) provides the Tribunal may do so where “*if satisfied that it is reasonable to dispense with the requirements*”.
11. The Tribunal, having considered the submissions made by the Applicant, is satisfied the works are necessary and are urgent. It accepts that due to the steps taken to carry out the work, it is not practicable to carry out the consultation requirements contained within section 20 of the Act and dispensation is therefore granted under section 20ZA.
12. The granting of dispensation does not affect the Respondents’ rights to the challenge the reasonableness or the payability of the service charges under a separate application pursuant to section 27A of the Act.

J.E. Oliver
Tribunal Judge
4th July 2022

Annex A

Ms M Teale	Mr A Patel & B Patel
Dr G Rodosthenous	Mr & Mrs Park
Mr & Mrs Shukla	Mr D Penman
Dr O Kubassova	Mr C Connolly
KCC Aquisitions Ltd	Mr S Godfrey
Mr Bloore & Miss Duncan	Ms Knox & Mr Knox
Mr R Welford	Mr Rattanpal & Ms Rattanpal
Mr D Ponnuraj	Ms A Goddard
Ms M Manteiga	Mr C Noke
Miss K Hunter	Mr S Pickard
G W D Property Ltd	C&J Property Ltd
Mrs V Sharma	Bruton London Ltd
Mr Thomas & Ms Thomas	Mr Barnett & Ms Barnett
Dr M Vidana	D H Newman & G M Newman
Mr Fripp & Ms Norddahl-Payne	Ms L Metcalfe
Mr N Fox & Mr P Fox	Yellow Wood Properties Ltd
Mr S Mellor	Fisher Europa Ltd
Mr Myers & Ms Myers	Mr S Stanley
Dr S Iyer	Mr L Toth
Mr B Hudson	Mr Uren & Ms Uren
Ms C Lacy	Ms R Hohenstein
Mr C Shield	Mr N Wilding
C Brown & CS Rothwell	Ms A Taylor
Mr H Brayshaw	Mr P Elkington & Ms T Elkington
Mr Holmes & Ms Holmes	Mr R Howells
Market House International Group Ltd	Mrs A Walker
Ms M Campbell	Mr S Neda
Mr A Zelikson & Mrs D Zelikson	Mr I Thomason
Mr D Johnstone	Mr Pandey & Ms Pandey
Ms S Hudson	Mrs S Faulding
Ms G Lambert	Mr A Al-Ani
R Malik, D Malik & R Malik	Mr Z Khawaja
Dr L Willis	Mr P Ward
I C Wilson & A J Wilson	Mr S McArthur
Mr R Cameron	Parker Properties Ltd
Mr P Holmes	R A Adey & E F Adey
Ms S Calvert	Mr M Acar
Mr Alqattan & Ms Alharaz	Mr Rutherford & Ms Georgiou Warren
Assured Money (UK) Ltd	Mr White & Ms Lancaster
Mr P Akhtar	Mr Brady & Ms L Brady
Mr T Arnott	Ms R Dicks
Ms C Wilson	Mr M Ullah
Mr R Iavagnilio	Mr Grey & Ms Yau
Ms S Goyal	Mr P Hulme
Ms Hadley & Mr Jago	Mr Cohen & Ms Mewse
Mr G Boland	Mr A Caicedo
Dr B Alsaad	Mr K Gosal
Mr T Featherstone	Mr M Smith
Mr C Breslin	Mr G Lam
Dr T Yeoh	Mr S Rinaldi
Ms Morley & Mr Morley	Mr C Nelson

Ms Marshall & Mr Marshall
Mr Chin & Mr Tsang
Ms P Pudney
Mr D Smith
Mr S Morrison
Mr R Stansfield
Mr J Davy
Mr Luckraz & Ms Luckraz
Ms Tibbatts & Mr Tibbatts
Mr D Latto
Mr T Mackenzie
Mr A Hussain
Ms C Gulliver
Mr J Vadgama
Ms KJ Pugh & Ms LM Pugh
Mr J Whiting
Mr A Green
Mr N Patel & Ms M Patel
Ms J Fisher
N Mistry, H Mistry & V Mistry
Mr Healy & Ms Schneider
Ms A Unwin
Mr Berardi & Ms Bonometti
Parker Lettings Ltd
Mr D Williams
Mr A Peake
Mr R Bozeat
Dr S Jain
Mr A Eadsforth
Mr A Smith
Mr D Foster
Mr H Rahimi
Mrs N McMaster
Mrs I Sharma
Mrs P Penman
Miss S Bashir
Mr R Finnegan & Mr Cole
DA, LS, DM & AS Jackson
Mr Kelly & Ms Kelly
Kinetica
Corporate Workspace Ltd
BWB Consulting
Mr Mills & Mr Wetherill-Trustees of Lauren Mills Life Interest Trust
H L Peace, P G Bates, & Buckle Barton Pensioner Trustees Ltd

Mr & Mrs Farrell
Mr M El Diri
Ms W Frith
Mr T Cheng
Mr Hall & Ms Hall
Mr Yeung & Ms Ko
Mr A Vicat
Ms Nguyenova & Mr Kaye
Mr R Fozard
Ms A Gambi
Mr J Cameron
Ms Z Ali
Mr M Perry
Ms L Harkins
Ms S Williams
Miss J Freeman
Ms J Duara
Leeds Apartments Ltd
Mr S Firth
Mr R Russo
Mr D Tredwen
Dr P Hamal
Mr T Benthall
Ms Webber & Mr Webber
Dr H Dhaliwal
Mr P Bowles
Ms S Hardy
Mr T Bullock & Ms G Bullock
Ms E Whitehead
Mr R Tinker
Ms C Young
D M Cole & M J Gorman
Dr R Thomas
Mr Seyed-Jalali & Ms Seyed-Jalali
Mr R Finnegan & Ms J Finnegan
Mr P Jackson
Mr Sardahee & Ms Moyassari
Mr Cooper & Ms Cooper
Rags Properties Ltd
Adriatic Land 1 (GR3) Ltd
Edwards Architectural Services Ltd