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

Case Reference : **LON/00AH/LDC/2015/0005**

Property : **50 Mayfield Road, South Croydon,
Surrey CR2 0BE**

Applicant : **Southern Land Securities Limited**

Representative : **Hamilton King Management**

Respondents : **Mrs S Reid Flat 1
Mr M Grant Flat B
Miss K Goff Flat C**

Representative : **None**

Type of Application : **Section 20ZA Landlord and Tenant Act
1985 – to dispense with section 20
consultation requirements**

Tribunal Members : **Judge John Hewitt
Mrs Sarah Redmond BSc (Econ) MRICS**

**Date and venue of
Determination** : **11 March 2015
10 Alfred Place, London WC1E 7LR**

Date of Decision : **16 March 2015**

DECISION

Decisions of the Tribunal

1. The Tribunal determines that it dispenses with the need for the applicant to comply with the consultation requirements of section 20 Landlord and Tenant Act 1985 (the Act) in relation to proposed works set out in a Schedule of Additional Works dated November 2014 and prepared by Lewis Berkeley, Chartered Building Surveyors [48].
2. The reasons for our decision are set out below.

NB Reference in this Decision to a number in square brackets ([]) is a reference to the page number of the file provided to us for use at the determination of the application.

Procedural background

3. The applicant landlord made an application pursuant to section 20ZA of the Act [1]. Evidently the Property consists of a 1930's built semi-detached house subsequently adapted to comprise three self-contained flats, all of which have been sold off on long leases. The respondents are the three long lessees.
4. Directions were given on 16 January 2015 [10]. Attached to the directions was a form [14] for the respondents to complete to indicate whether they supported the application, opposed the application, wished the tribunal to determine the application on the basis of written representations only or wished the tribunal to hold an oral hearing.

The parties were notified that if there was a request for an oral hearing it would be held at 13:30 11 March 2015

Mrs Reid, the lessee of Flat 1, informed the tribunal that she supported the application. In an email to the applicant's managing agents the lessee of Flat B indicated he was content for the works to be carried out.

None of the respondents has filed a statement of case opposing the application.

The tribunal has not received a request for an oral hearing.

Accordingly we decided to determine the application on the papers provided by the applicant.

The gist of the applicant's case

5. The background facts of the applicant's case are set out at [15]. In summary in early 2014 the applicant commenced a consultation process in connection with planned major works. In October 2014 during the carrying out of those works some additional rot and treatment works were identified as being required. An independent building surveyor was brought in to determine the nature and scope of those works. The details are set out in a schedule of additional works at [48].

6. The cost of the additional works has been estimated at £4,863 + VAT.
7. The applicants wished to proceed with the works promptly because the original major works have already commenced and they wished to avoid delays and inconvenience to the respondents/residents.

The law

8. Section 20 of the Act requires that long lessees be consulted over the need for and scope of qualifying works where the contribution of a lessee to the cost of such works will or may exceed £250. The detailed consultation provisions are set out in regulations made under section 20. They are complex and time consuming to complete.
9. Section 20ZA empowers the tribunal to dispense with the need for compliance with all or some of those consultation requirements if it is satisfied that it is reasonable to do so.

Discussion and reasons

10. We are satisfied that the applicants have kept the respondents fully informed of the need for scope and estimated costs of the additional works and copies relevant correspondence are included in the file of papers presented to us.
11. The need for and scope of the additional works has been overseen by an independent building surveyor.
12. We can readily understand why the applicant does not wish to delay the carrying out of the additional works whilst it works through the formal consultation process.
13. None of the respondents has opposed or objected to the application.
14. None of the respondents has submitted that they would suffer prejudice if the formal consultation process was not carried out.
15. In these circumstances we are satisfied that it is reasonable to dispense with the need for the applicant to comply with the consultation requirements of section 20 of the Act in relation to the proposed additional works.
16. For avoidance of doubt we should make it clear that in arriving at this decision we do not make any findings as to the reasonableness of the need for scope or estimated cost of the proposed additional works and all of these are open for challenge in due course if the respondents have concerns about them.

John Hewitt
16 March 2015