



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

Case Reference : LON/00AE/LDC/2018/0103

Property : 24B Kenneth Crescent, Willesden,
London NW2 4PN

Applicant : The Mayor and Burgesses of the
London Borough of Brent

Representative : Legal Services

Respondents : Ms Haver Leona Armstrong

Representative : none

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

Tribunal Judge : Judge Pittaway
Mr P Roberts DipArch RIBA

Date of Decision : 28 November 2018

DECISION

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 first floor maisonette in a semi detached building (the “**Property**”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of qualifying works to be carried out.

The background

4. The application was received on 4 June 2018. The application seeks retrospective dispensation in relation to the need to reconsult on the following works carried out between June 2010 and December 2010; by reason of their cost having increased since the original consultation undertaken in 2009; scaffolding, roof works, rainwater goods/soil/waste, brickwork/ render/stonework, fascia/soffit/ bargeboard, communal door repairs, external decorations and electrical/ gas/ cleaning.
5. 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. A decision was issued on 13 June 2018 (LON/00AE/LSC/2018/0041) in respect of an application under section 27A of the Landlord and Tenant Act 1985 determining the costs of these works.
6. Directions were made dated 22 October 2018 which set out the steps to be taken by the parties.

The Tribunal’s decision

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

Reasons for the Tribunal's decision

8. 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"*.
9. The directions provide that the Applicant should serve a copy of the application form on the Respondent leaseholder. The Applicant's representative confirmed on 1 November 2018 that a copy of the application form and directions had been duly served as directed.
10. The directions further provided that if the Respondent wished to oppose the application she should do so by serving a statement by 13 November 2018. No such statement has been received and thus the tribunal concluded that the application was unopposed.
11. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable. This decision is subject to the decision of the tribunal dated 13 June 2018 (LON/00AE/LSC/2018/0041) in respect of the application relating to the works under section 27A of the Landlord and Tenant Act 1985.

Application under s.20C

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

Name: Judge Pittaway

Date: 28 November 2018

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).