



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

Case Reference : LON/00AP/LDC/2019/0050

Property : 6 Crouch Hall Road, London, N8 8HU

Applicant : Bannerchoice Limited

Representative : Dexters Block Management

Respondents : Mrs S Denby & Ms T Wearing
Mr T Greene
Mr J Matthews
Mrs C Akyuz

Type of Application : Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985.

Tribunal Member : Judge Robert Latham

**Date and venue of
Hearing** : 13 May 2019
at 10 Alfred Place, London WC1E 7LR

Date of Decision : 13 May 2019

DECISION

The Tribunal grants this application to dispense unconditionally with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

Reasons

1. By an application made on 27 March 2019, the Applicant, managing agents, seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (“the Act”) in respect of the works described below. The Applicant stated that it was content for the application to be dealt with on the papers. No Respondent has requested an oral hearing.
2. 6 Crouch Hall Road is a three storey Victorian mid-terrace town House which has been converted into four self-contained flats. In January 2019, the roof was leaking. On 15 March, a Stage 1 Notice of Intention was served. This was before scaffolding was erected and an inspection identified the extent of the works required. The roof is still leaking, causing damage to the top floor flat.
3. On 29 March 2019, the Tribunal sent a copy of the application to the tenants. On 2 April, the Tribunal issued Directions. On 3 April, the Tribunal sent these Directions to the parties.
4. Any tenant who opposed the application was directed to complete a Reply Form which was attached to the Directions and return it to the tribunal. No tenant has opposed the application.
5. Stephen Denby, the tenant of the ground floor flat has been in correspondence with the managing agents. However, this relates to roof repairs which were executed in 2013 and the contractor which had been used on that occasion. He does not suggest that the proposed works are not required.
6. Section 20ZA(1) of the Act provides:

“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.”
7. The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.
8. The Tribunal is satisfied that it is reasonable to grant dispensation from the subsequent stages of the consultation requirements. This is justified by the urgent need for the works to abate the water penetration and to prevent further damage to the flats. There is no

suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

**Judge Robert Latham,
13 May 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).