



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

**Case Reference** : **CAM/11UF/LDC/2020/0021**  
**HMCTS Code** : **P:PAPERREMOTE**

**Property** : **1-6 Sheridan House & 1-6 Byron  
House, Sheridan Court, High  
Wycombe HP12 4SF**

**Applicant** : **W.E.Black Limited**

**Respondents** : **The leaseholders of the property**

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

**Tribunal Member** : **Judge Wayte**

**Date of Decision** : **30 November 2020**

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**DECISION**

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**Covid-19 pandemic: description of hearing**

This has been a remote hearing on the papers which has been not objected to by the parties. A face-to-face hearing was not held because all issues could be determined in a remote hearing on paper and no hearing was requested. The documents that I was referred to are in a bundle of 68 pages, the contents of which I have noted. The order made is described below.

**The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works to the**

## **sewage pumps described in the letter from Leete Estate Management sent in July 2020.**

### **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 in respect of urgent works to replace both foul pumps which were beyond economic repair.
2. The Respondents are the leaseholders within those blocks and the works are estimated to cost them around £437.70 each (over any reserve held), meaning that the Applicant either needed to delay the works to carry out consultation with them or obtain dispensation of those requirements.
3. The issue in this case is only whether the consultation requirements of section 20 of the 1985 Act should be dispensed with. If there is any objection to the cost of the works that may be the subject of a separate application under section 27A of the Landlord and Tenant Act 1985.

### **The background**

4. The application was received on 23 September 2020. Directions were given on 9 October 2020. Those directions required the applicant to serve the application and a copy of the directions on each Respondent which the Applicant confirmed was sent out on 20 October 2020. The directions contained a reply form for them to return to the tribunal if they objected to the application. Neither the tribunal nor the Applicant has received any communication from either Respondent.
5. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 30 November 2020.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. 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.

### **The Applicant’s case**

8. The Applicant’s bundle included a copy of the agent’s letter setting out the circumstances leading to the replacement of the pumps. In

particular, that they were alerted to an alarm indicating high levels within the sewerage pit. Pisces Pumps Limited were instructed to attend and investigate the cause of the alarm. They reported that the pumps had failed due to their age and were beyond economic repair. A quote of £5,252.40 was provided and the agents took the decision to proceed as any further delay risked waste water backing up into the properties connected to the pump station.

9. In the circumstances there was no opportunity to consult in accordance with section 20 of the 1985 Act and the applicant seeks dispensation from those requirements.

### **The Respondents' position**

10. The directions provided for the Respondents to complete the reply form attached to the directions and send it to the tribunal and the Applicant if they wished to object to the application. Neither the Applicant nor the tribunal has received any response or statement of case in opposition to the application from any Respondent. In the circumstances the tribunal concluded that the application was unopposed.
11. Although the amount of the service charge is not relevant to the application, the tribunal understands that 11 of the 12 leaseholders have paid the service charge in respect of the works. No information was provided as to why the other leaseholder has not paid the service charge.

### **The Tribunal's decision**

12. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

### **Reasons for the Tribunal's decision**

13. 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*".
14. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and properly authorised. In the circumstances it is appropriate to grant an order for dispensation.

### **Application under s.20C Landlord and Tenant Act 1985**

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

**Name:** Judge Wayte

**Date:** 30 November 2020

### **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).