



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

**Case reference** : **LON/00AK/LDC/2021/0282**

**Property** : **1-10 Buckley Court, 375  
Cockfosters Road, Hadley Wood,  
Herts EN4 0JT**

**Applicant** : **Hadley House Management  
Company Ltd**

**Representative** :

**Respondents** : **The leaseholders named on the  
application**

**Representative** :

**Type of application** : **For the dispensation of some of  
the consultation requirements  
under s.20 Landlord and Tenant  
Act 1985**

**Tribunal members** : **Judge Simon Brilliant**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **28 June 2022**

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**DECISION**

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## **Decision of the Tribunal**

The Tribunal determines that those parts of the consultation requirements provided for by s.20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

This has been a hearing on the papers which has been not objected to by the parties. The form of remote hearing was P. A face to face hearing was not held because it was not practicable, and all issues could be determined on paper. The critical documents that I was referred to are in the Applicant's bundles. The order made is described at the end of these reasons.

## **The application**

1. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by s.20 of the Act. The application was dated 01 November 2021.
2. Directions of the Tribunal were issued on 04 May 2022.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

## **The hearing**

4. The matter was determined by way of a paper hearing which took place on 28 June 2022.

## **The background**

5. 1-10 Buckley Court, 375 Cockfosters Road, Hadley Wood, Herts EN4 0JT is a purpose-built residential block of 10 flats.

## **The application**

6. The Applicant has applied for dispensation from the statutory consultation requirements in respect of both foul pumps. There was found to be heavy sludge in the system. When the sump was cleaned it was found that the float cables were damaged. Both pumps failed an electrical test. The pumps need to be replaced. The directors of the Applicant were keen for the works to begin before any further damage could be done to the building.
7. There were also health and safety concerns about the foul waste backing up. This would occur soon as the pumps would not last much longer. The waste water specialists who were called to examine the pumps advised that the works needed to be done urgently as there could be flooding soon.
8. No objections to the application were received from any of the Respondents. There is no evidence of any prejudice suffered by them as a result of there having been no statutory consultation.
9. The only issue for the Tribunal is whether 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.**

### **Decision of the tribunal**

10. s.20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.

11. Dispensation is dealt with by s.20ZA of the Act which provides:-

**"Where an application is made to a leasehold valuation 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"**

12. The Tribunal is satisfied that, in the particular circumstances of this case, involving the necessary replacement of the pumps, it is reasonable to dispense with the consultation requirements in respect of these works.

13. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

**Name:** Simon Brilliant

**Date:** 28 June 2022