



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

Case Reference : **LON/00AZ/LDC/2022/0100**

Property : **66 Granville Park, London SE13
7DX**

Applicant : **Amanda Brilliant**

Representative : **Paul Brilliant**

Respondent : **Ms Sarah Nutt and Mr Robert
Pluckrose**

Representative : **None**

Type of Application : **An application under section 20ZA
of the Landlord and Tenant Act
1985 for dispensation from
consultation prior to carrying out
works**

Tribunal Members : **Mr I B Holdsworth FRICS MCI Arb**

**Date and venue of
Hearing** : **Remote hearing on 10 August 2022**

Date of Decision : **10 August 2022**

DECISION

Decisions of the Tribunal

The Tribunal determines that dispensation should be given from the consultation requirements in respect of the proposed works to renew the roof structure and covering, undertake external redecorations and carryout communal hallway redecorations and repairs (referred to as the “**Renewal Works**”) at 66 Granville Park, London SE13 7DX as required under s.20ZA of the Landlord and Tenant Act 1985 (“**the Act**”) for the reasons set out below.

This application does not concern the issue of whether any service charge costs will be reasonable or payable. The leaseholders will continue to enjoy the protection of Section 27a of the Act.

The Tribunal directs the Applicant to send a copy of this Decision to the leaseholders and to display a copy in the common parts of the buildings.

The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) to dispense with the statutory consultation requirements associated with carrying out necessary and essential Renewal Works at 66 Granville Park, London SE13 7DX (the “**property**”).
2. An application was received by the First-tier Tribunal dated 10 May 2022 seeking dispensation from the consultation requirements. Directions were issued on the 6 June 2022 to the Applicant. These Directions required the Applicant to advise all Respondents of the application and provide them with details of the proposed works including costs.
3. The relevant legal provisions are set out in the Appendix to this decision.

The hearing

4. This matter was determined by written submissions. The Applicant submitted a bundle of relevant materials to the Tribunal.
5. The submissions received from the Respondents are included in the bundle.

The background

6. The property which is the subject of this application comprises 3 self-contained flats located in a semi-detached three storey building with basement.
7. Mr Brilliant the managing agent explains in his Statement of Case that a Notice of Intention to undertake the works was served on the tenants on 7 September 2020. This was followed by Notice of Works including details of returned tenders and cost estimates dated 30 June 2021.
8. The tenants challenged the validity of the S20 consultation procedure through application to Tribunal under reference LON/00AZ/LAM/2022/0002. This dispute is now resolved and subject to a Settlement Agreement dated 9 May 2022. At page 87 of the bundle (P87) there is a copy of an email from the tenants which confirms they now agree to the Renewal Works being carried out.
9. The selected contractor to implement the scheme of work is L and G Roofing Limited. The total cost of the Renewal Works is £118,584 inclusive of VAT. L and G Roofing submitted the lowest tender of four contractor returns received by the managing agent.
10. The Applicant contends that the Renewal Works are needed urgently to reduce the probability of damage to the building through water penetration from the failing roof covering and defective pointing to external elevations.
11. This determination relies upon a bundle of papers which included the application, the Directions, Application, a Statement of Case and copy of a specimen lease.
16. The only issue for the Tribunal to consider is whether or not it is reasonable to dispense with the statutory consultation requirements in respect of the Tree Works. **This application does not concern the issue of whether any service charge costs are reasonable or payable.**

The determination

17. The Tribunal has considered the papers lodged. There is no objection raised by the Respondents following mediation, either together or singularly.
18. The Tribunal notes that at P88-P91 there is evidence of compliance with Tribunal Directions which requires the Directions to be served on all relevant parties.

19. There is a demonstrated need to carry out the works urgently to obviate the risk to residents at the property. Also, an early start on the works is likely to mitigate the extent of consequential damage to the building and ensure tendered costs are maintained.
20. It is for these reasons the Tribunal is satisfied it is appropriate to dispense with the consultation requirements for the Renewal Works.
21. **It is the Applicant's responsibility to serve a copy of the Tribunal's decision on all Respondent leaseholders listed on the Application.**
22. **This decision does not affect the right of the Respondents to challenge the costs, payability or the standard of work should they so wish.**

Valuer Chairman: Ian B Holdsworth

Date: 10 August 2022

Appendix of relevant legislation

Section 20 of the Act

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—
 - (a) complied with in relation to the works or agreement, or
 - (b) dispensed with in relation to the works or agreement by (or on appeal from) a leasehold valuation tribunal.
- (2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.
- (3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.
- (4) The Secretary of State may by regulations provide that this section applies to a qualifying long-term agreement—
 - (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
 - (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
 - (a) an amount prescribed by, or determined in accordance with, the regulations, and
 - (b) an amount which results in the relevant contribution of any one or more tenant’s being an amount prescribed by, or determined in accordance with, the regulations.
- (6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.
- (7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined.

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).