



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

**Case Reference** : **MAN/00BY/LDC/2022/0023**

**Property** : **4-14 (evens), New Hall, Liverpool L10 1LD**

**Applicant** : **Clocktower Management Company  
(Liverpool) Ltd.**

**Representative** : **Residential Management Group Ltd.**

**Respondents** : **Various long leaseholders set out in the  
application**

**Type of Application** : **Landlord & Tenant Act 1985 – Section 20ZA**

**Tribunal Members** : **Caroline Hunter  
John Faulkner**

**Date of Decision** : **12 September 2022**

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**DECISION**

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## **Summary Decision**

1. The Tribunal gives dispensation from the consultation requirements.

## **Application**

2. This application has been made by Clocktower Management Company (Liverpool) Ltd. (the applicant) for dispensation from the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 ('the Act') with regard to works to the boundary wall of the property. The applicant considered that the works were needed to be carried out urgently.
3. Directions were issued on 24 June 2022. Those directions made it clear that the application does not concern the issue of whether any service charge costs resulting from any such works are reasonable or indeed payable and it will be open to lessees to challenge any such charged by the applicant.
4. The Directions considered that the matter is one that can be resolved by way of submissions of written evidence. Further to the Directions, the applicant provided a bundle of documents. The respondents did not provide any statement in response.

## **The Law**

5. Section 20 of the Act limits certain service charges unless the consultation requirements in the section are complied with or dispensed with under section 20ZA is received. Section 20ZA provides:
  - (1) 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.

## **The Facts**

6. 4-14 (evens), New Hall, Liverpool comprises six separate blocks of flats (the blocks), each two storeys and containing six flats. The blocks are formed from a row of detached houses on one side of New Hall. The blocks are estimated to date from the early 20<sup>th</sup> century and were converted more recently (the lease we have been provided has in date in 2018 and a start date of 28 September 2012 for the term). The blocks are constructed with pitched slated roof and solid brick main walls.
7. In early 2021 the applicant became aware of water ingress into the top floor apartments of each block. The leaks were first reported by the leaseholders and over the course of a few weeks, the same apartment in each block (no. 4) experienced leaks in roughly the same area. This led to an investigation of all the roofs. Quotes for works to undertake the necessary works were obtained from two contractors. The cheaper one was for £10,716.00. The works were carried out over a period of weeks and completed on 27 May 2021.
8. Consultation with the leaseholders were started on 04 March 2021 via notice of intention. A further letter was sent to the leaseholders on 11 March 2021. This letter

explained the section 20 consultation process and also the reasons why the applicant was proposing to move ahead without completing the consultation. The letter included details of the two quotes.

### **Reasons to dispense with the consultation requirements**

9. The application set out the reasons seeking dispensation. These include:
  - a. To prevent further damage to the internal fabric of the relevant flats;
  - b. To enable flat owners to make claims on their insurance for internal damage and complete any rectification works required;
  - c. To prevent any further damage the premises;
  - d. To prevent the flats becoming inhabitable because of the leaks and damages for the electrical fittings.

### **Decision**

10. For the reasons set out in the application we consider that it is reasonable to give dispensation.

### **RIGHTS OF APPEAL**

11. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional Office, which has been dealing with the case.
12. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
13. If the person wishing to appeal does not comply with the 28 day time limit, that person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
14. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.