



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

**Case Reference** : **LON/00AH/LDC/2020/0213  
P:REMOTE**

**Property** : **5 Dale Road Purley Surrey CR8 2ED**

**Applicant** : **Dale Road RTM Company Ltd**

**Representative** : **Mark Buckfield**

**Respondents** : **Mr A Arora (flat 3)**

**Representative** : **In person**

**Type of Application** : **S20ZA Landlord and Tenant Act 1985**

**Tribunal Member** : **Judge F J Silverman MA LLM  
Ms S Phillips MRICS**

**Date of paper consideration** : **18 January 2021**

**Date of Decision** : **18 January 2021**

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## DECISION

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The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985 on the grounds that the Respondent was notified of the application under s20ZA and the building works are required urgently to ensure the safety of the building for its residents and visitors.

### REASONS

1. By an application made to the Tribunal on 11 November 2020 the Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. Directions were issued by the Tribunal on 26 November 2020.
3. This matter was determined by a paper consideration P:REMOTE on 18 January 2021 at which the Tribunal considered the Applicant's application and accompanying documents.
4. The Directions issued by the Tribunal had been sent by the Applicant to the Respondent asking him to respond and to indicate whether or not he opposed the application. A letter of objection dated 12 December 2020 was received by the Tribunal. Its contents together with the Applicant's response were both considered by the Tribunal when making its decision.
5. The Applicant applied for dispensation from the statutory consultation requirements in respect of work needed to remove and re-fit a heavy slab of loose verge tiles on the first-floor apex to the building which is an Edwardian house converted into three self-contained flats.

6. The Applicant obtained quotations for the work from three roof specialists after which there was a two-week consultation period between the directors of the RTM company, following which the majority agreed to accept one of the quotations. The work has not yet started. The three Directors are also the tenants of the three flats in the building. They are therefore the only people affected by this decision.
7. The application is said to be urgent as the tiles have become loose and the danger of their falling around the front porch area represents a serious health and safety risk to both residents and visitors.
8. The Respondent, one of three directors of the Applicant company was aware of the problem and was consulted about it at the time when it was discovered in July 2020 and when quotations for the works were received. The Respondent was separately notified of the intention to apply to the Tribunal for dispensation from the consultation requirements on 09 December 2020.
9. The Respondent objected to the application on a number of grounds. He did not however, suggest that the works were unnecessary and said that during the initial consultation he had agreed to the lowest quotation of the three provided by builders. He complained that the works should have been completed sooner but had refused to sign a waiver of s20 when asked to do so in August 2020. His contention that further estimates should have been obtained is not a valid objection because the Applicant had obtained estimates from three separate sources as required by law.
10. The Tribunal accepts the Applicant's statement that the slab of loose roof tiles is a present and ongoing danger to both residents and visitors. The fact that no tiles have yet fallen does not mean that they will not do so in future and unless remedied, the situation is likely to worsen over time. The danger of a potential fall renders the works both urgent and necessary.
11. The current estimated cost of the works is about £2,000.
12. The Applicant therefore requests the Tribunal to grant a dispensation from compliance with the full requirements of the section in order to allow the works to proceed as soon as possible.
13. The Tribunal was not asked to inspect the property and in the context of the issues before it did not consider that an inspection of the property would be either necessary or proportionate.
14. The Applicant RTM company has a repairing obligation in respect of the structure, exterior and common parts of the premises (including

mains services). Copies of the leases under which the Applicants and Respondent hold their respective properties are contained in the hearing bundle.

15. A notice of intention to carry out the proposed works was sent to the Respondent tenant on 9 December 2020.
16. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) 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*” (emphasis added).
17. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable
18. Having considered the submissions made by the Applicant the Tribunal is satisfied that the work proposed to be carried out is necessary and that no undue prejudice will be caused to or suffered by the Respondent by the grant of dispensation under s20ZA.
19. This determination does not affect the tenants’ rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman  
**Date 18 January 2021**

Note:  
Appeals

## **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to [rplondon@justice.gov.uk](mailto:rplondon@justice.gov.uk).
2. 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.

3. If the person wishing to appeal does not comply with the 28 day time limit, the 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.
4. 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.