



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

Case reference : **LON/00BE/LDC/2020/0189 P**

Property : **152 Southwark Bridge Road, London
SE1 0DG**

Applicant : **Guys & St Thomas Charity Trust**

Representative : **Allsop Letting and Management**

Respondent : **Mr T C Hillier (basement maisonette)
Born Property Developments Limited
(ground floor maisonette)**

Representative : **none**

Type of application : **Dispensation under s20ZA Landlord
and Tenant Act 1985**

Tribunal member : **Tribunal Judge Dutton**

Date of decision : **13th January 2021**

DECISION

Decisions of the Tribunal

- (1) This has been a remote determination on the papers, which has not been objected to by the parties. A face-to-face hearing was not held because it was not considered practicable and all issues could be determined on papers before me, as was requested by the applicant in its application. The documents that I was referred to are in a bundle of some 68 pages including the application and directions, the contents of which I have noted.
- (2) I determine that dispensation should be granted from the consultation requirements under s20 of the Landlord and Tenant Act 1985 (the Act) and the Service Charges (Consultation Requirements) (England) Regulations 2003, for the reasons I have stated below.
- (3) I make no determination the reasonableness of the costs of the works, these being matters which can be considered, if necessary, under the provisions of s27A and s19 of the Act.

The application

1. In an application dated 19th October 2020, the applicant sought dispensation from the consultation provisions in respect of urgent works to the roof of the property at 152 Southwark Road, London SE1 0DG (the Property). The Property consists of three maisonettes, two owned on long leases, belonging to the respondents and the third retained by the landlord and let as an AST.
2. The leases of the maisonettes require the lessees to contribute a due proportion towards the structural works, including the roof.
3. Consultation had taken place in respect of the original works including scaffolding, investigating and repairs to the roof at the Property. However, in the course of the works further issues were uncovered, which required attention, as set out in a report from BML Group Limited dated 1st October 2020. This extra work related to faulty lead flashing and some cleaning at an additional cost of £2,934 plus VAT. The cost was restricted as it was intended that the existing scaffolding would be used.
4. Directions were issued on 4th November 2020 requesting that any leaseholder who objected to the application should notify the applicant and complete and return to the tribunal a questionnaire. By an email dated 10th November 2020, Sue Carpenter of Allsop Letting and Management confirmed that the directions had been complied with and that no leaseholder had contacted her to object. Similarly, I am not aware that any leaseholder has been in contact with the tribunal to object to the application.
5. The works have commenced and, I assume, completed.

Findings

6. The Law applicable to this application is to be found at s20ZA of the Act. I have borne in mind the Supreme Court decision in Daejan and Benson. So far as I am aware no objection has been lodged by a leaseholder. It would seem clear from the report of BML Group that additional work has been discovered since access to the roof was available. It makes sense to utilise the existing scaffolding. On the face of it I can see no prejudice to the respondents by allowing this application. I therefore find that it is reasonable to grant dispensation from the consultation requirements required under s20 of the Act in respect of the works set out in the BML Group report dated 1st October 2020.
7. It will be for the applicant to satisfy any leaseholder that the costs of the works and the works themselves were reasonable and payable under the service charge regime of the leases by which the leaseholders own their interest in their respective flats. My decision is in respect of the dispensation from the provisions of s20 of the Act only.

Andrew Dutton

**Name: Tribunal Judge
Dutton**

Date: 13th January 2021

ANNEX – RIGHTS OF APPEAL

- 1. 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 at the Regional Office which has been dealing with the case.**
- 2. 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.**
- 3. If the application is not made within the 28-day time limit, such application must include a request to 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.**
- 4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie 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**