



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

**Case reference** : **LON/00BG/LDC/2022/0240**

**HMCTS code** : **P: PAPER REMOTE**

**Property** : **121-127 Saunders Ness Road, London,  
E14 3EB**

**Applicant** : **121-127 Saunders Ness Road Right to  
Manage Co Ltd**

**Representative** : **Susan Mortimer (Director)**

**Respondents** : **The four leaseholders at 121-127  
Saunders Ness Road**

**Type of application** : **Dispensation with Consultation  
Requirements under section 20ZA  
Landlord and Tenant Act 1985**

**Tribunal member** : **Judge Robert Latham**

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

**Date of decision** : **6 March 2023**

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**DECISION**

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The Tribunal grants this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of works to repair the soffits and the roof.

## **Covid-19 pandemic: description of hearing**

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The applicant has filed a bundle in support of the application.

### **The Application**

1. The Applicant landlord has applied for dispensation from the statutory consultation requirements in respect of works to repair the soffits and the roof of the 121-127 Saunders Ness Road, London, E14 3EB ("the Property"). The Property is a purpose built block of four flats. The top flat has an attic which has been badly impacted upon by an infestation of birds due to broken soffits which allow access. Pigeons have been nesting in the roof causing damage and noise, and these also need to be removed.
2. In 2002, a Section 20 Notice was issued by the previous property management company. However, since then, new estimates have been obtained which the current Right to Manage Company consider to be a better option. The application is said to be urgent due to the danger posed by (i) the soffits potentially falling down and hitting someone, and (ii) the health hazard and damage caused by the nesting pigeons.
3. On 12 January 2023, the Tribunal issued Directions. By 26 January, the Applicant was directed to send to each of the leaseholders (and any residential sublessees) and to any recognised residents' associations, by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents' names and addresses) unless already sent by the applicant to the leaseholder/sublessee (ii) if not already detailed in the application form a brief statement to explain the reasons for the application and these directions; and (iii) display a copy of these in a prominent place in the common parts of the Property.
4. On 17 January 2023, the Applicant confirmed that it had complied with this Direction.
5. By 9 February, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application. On 16 January, Tim Gaskell, on behalf of the Residents Association, confirmed that they were fully supportive of the proposed works.

6. The Applicant also served the application on Freeholder Homeground Management Limited who act for Holding and Management (Solitaire) Limited, the freeholder. Darren Bloch has confirmed that the freeholder does not object to this application. However, the freeholder has no standing in this application.
7. The Applicant has provided a Bundle of Documents (60 pages) in support of the application. This includes the lease for 123 Saunders Ness Road.
8. Section 20ZA (1) of the Act provides:

“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.”
9. **The only issue which this Tribunal has been required to determine is whether or not 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.**
10. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
11. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the Respondents.

**Judge Robert Latham,  
6 March 2023**

### **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 **by e-mail** 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).