



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

Case Reference : LON/00AU/LDC/2014/00113

Property : 23 Huntingdon Street, London N1
1BS

Applicant : Pledream Properties Limited

Representative : Crabtree Property Management Ltd

Respondents : (1) Mr D Adshead (Flat A)
(2) Mr J Jeevanjee (Flat B)
(3) Ms K E Robinson (Flat C)

Representative : N/A

Type of Application : For dispensation from the
consultation requirements under
section 20ZA Landlord & Tenant
Act 1985

Tribunal Members : Judge Amran Vance
Mr D Jagers, MIRCS

Date of Decision : 17 October 2014

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) ("the 1985 Act") for dispensation from all or part of the consultation requirements imposed on the landlord by section 20 of the 1985 Act¹.
2. The Applicant is the freehold owner of 23 Huntingdon Street, London N1 1BS ("the Building"). The Respondents are the lessees of the three flats in the Building, Flats A, B and C respectively.
3. By letter dated 08.08.14 the Applicant sent to the Respondents a Notice of Intention under s.20 of the 1985 Act ("the initial s.20 Notice") stating that it intended to carry out works to replace the central valley roof gutters to the Building because the existing valley gutters were in a poor condition and leaking into the flat below (Flat C). Observations as to the proposed works were invited by 17.09.14 which elicited one written response from Mr Adshead dated 15.09.14 in which he consented to the proposed works.
4. On 11.09.14, the Applicant issued this application for dispensation from the s.20 consultation requirements on the basis that that the roof of the Building is leaking along the central valley gutter causing damage to Flat C. This is illustrated by photographs taken on 24 June 2014 and which accompanied the Application. The landlord proposes to replace the central valley roof gutters including replacement of the felt layered system.
5. On 01.10.14, the Applicants sent to the Respondents a Notice and Statement of Estimates in Relation to the proposed works ("the second s.20 Notice"). The landlord has obtained estimates from two builders both of which they state are wholly unconnected with the landlord or its managing agents. R&S UK Ltd have quoted £1,980 (inc VAT) and Uxbridge Commercial Services Ltd £3,102 (inc VAT). In their application notice the Applicant states that subject to receiving no observations or contractor nominations from the leaseholders it intends to accept the lowest estimate.
6. The period for receipt of observations from the lessees in respect of the second s.20 Notice expires on 31.10.14. The Applicant contends that if it were to continue with the consultation requirements there was a danger that the works will be forced into Spring 2015. As such, it considers the works to be urgent and that any delay would be prejudicial to the health, safety and welfare of the occupiers of Flat C.

¹ See Service Charges (Consultation Requirements) (England) Regulations 2003 (SI2003/1987) Schedule 4, Part 2.

7. Directions were issued by the Tribunal on 15.09.14 in which it was directed that the Application would be considered by way of a paper determination unless a hearing was requested. No such hearing was requested and the Tribunal therefore determined the Application on the papers on 17.10.14. These directions also requested that the Respondents notify the tribunal by 22.09.14 as to whether or not they consented to the Application or opposed it. The directions also invited them to indicate whether or not dispensation should be granted on terms and to provide evidence of what they may do differently if the Applicant had to comply with the full consultation process. Only one Respondent, Ms Robinson, replied, stating that she supported the Application.
8. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
9. The only issue for the tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements of section 20 of the 1985 Act. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

The Tribunal's decision

10. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above as set out in the Application notice.

Reasons for the Tribunal's decision

11. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
12. In making its decision the tribunal had regard to the fact that the Applicant has sought to engage with the statutory consultation process, having served both the initial s.20 Notice and the second s.20 Notice. It has acted appropriately in obtaining quotes from two contractors for the proposed works and has stated that it intends to accept the lowest quote.
13. The tribunal accepts that the proposed works are urgent and that completion of the statutory consultation process is likely to result in further water ingress into Flat C. This is evidenced by the witness

statement of Louise Elizabeth Wilson dated 03.10.14 filed in support of the Application and the photographs that accompanied the Application.

14. Mr Adshead has consented to the works but has not indicated if he supports the Applicant's dispensation request. Ms Robinson supports the Application. Two lessees therefore agree the works are required with at least one of them supporting the Application for dispensation.
15. There is no evidence from any of the Respondents to counter the Applicant's assertion that the proposed works are urgent. Nor has the tribunal received any evidence from them or written submissions indicating that they would suffer any prejudice if the Application were granted.
16. On balance, given that urgency of the proposed works the tribunal is satisfied that it is reasonable to dispense with the s.20 consultation requirements.
17. However, the parties should note that this decision does not concern the issue of whether any service charge costs will be reasonable or payable. The Respondents have the right to challenge such costs by way of a separate application if they so wish.

Name: Amran Vance

Date: 17 October 2014