



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

Case Reference	:	LON/00AN/LDC/2018/0151
Property	:	60-70 Colwith Road, London, W6 9EY
Applicant	:	St Ermines Property Company Limited
Representative	:	Hamways Limited
Respondents	:	The 4 long leaseholders of 60-70 Colwith Road whose names are attached to the application
Type of Application	:	Dispensation with Consultation Requirements under section 20ZA Landlord and Tenant Act 1985.
Tribunal Members	:	Judge Robert Latham Richard Shaw FRICS
Date and venue of Hearing	:	5 December 2018 at 10 Alfred Place, London WC1E 7LR
Date of Decision	:	5 December 2018

DECISION

The Tribunal grants this application to dispense unconditionally with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

Reasons

1. By an application made on 12 September 2018, the Applicant, managing agents, seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (“the Act”) in respect of the works described below. The Applicant stated that it was content for the application to be dealt with on the papers. No Respondent has requested an oral hearing.
2. 60-70 Colwith Road (“the property”) is a purpose built block of six flats with communal areas and stairs. The freeholder retains two of the flats which are let out on Assured Shorthold Tenancies.
3. The application relates to emergency works which were executed at a cost of £1,650 plus VAT. On 15 March 2018, the managing agents were informed that a small section of the communal roof which is directly above Flat 60 started to leak following heavy rainfall. This caused water penetration into the flat as a result of which the bathroom ceiling collapsed. On 3 April (at p.35) the managing agents wrote to all the tenants with their Stage 1 “Notice of Intention to Carry out Works” (at 36). The specified works were “external roof repairs”. The tenants were invited to make written observations by 9 May. No tenant did so.
4. The managing agents obtained three estimates from SNK (£3,400 + VAT, dated 16 March, at p.32); Copthorne (£2,235 + VAT, dated 4 April, at p.33) and In-House Maintenance (£1,650 + VAT, dated 9 April, at p.34). Temporary works were executed which did not hold. The managing agents therefore arranged for the full works to be executed. The cost of the internal works to the bathroom are covered by an insurance claim.
5. On 17 September, the Tribunal gave Directions which were amended on 16 October. The Tribunal allocated the case for a paper determination. The tenants were directed to complete a form attached to the Directions which was to be returned to the Tribunal by 9 November. They were asked to specify whether they supported or opposed the application. Any tenant who opposed the application or wanted the Tribunal to attach conditions to the dispensation was required to attach a Statement of Case setting out their reasons.
6. No tenant has returned the requisite form to the Tribunal opposing the application or suggesting the imposition of conditions. Ms Amber de Savary, the tenant of Flat 66, has returned the form indicating her support for the application. On 19 November, the managing agents sent the Tribunal two copies of their Bundle of Documents.
7. 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.”

8. 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.
9. The Tribunal is satisfied that it is reasonable to grant dispensation from the subsequent stages of the consultation requirements. This is justified by the urgent need for the works to abate the water penetration and to prevent further damage to the flats. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

**Judge Robert Latham,
5 December 2018**

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 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).