

12759



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

Case Reference : **LON/00AY/LDC/2018/0074**

Properties : **2 Riggindale Road, Streatham,
London SW16 1QT**

Applicant : **2 Riggindale Road Residents
Limited**

Representative : **HML Group – Managing Agents**

Respondents : **The Long Lessees of the 16 flats at 2
Riggindale Road**

Representative : **None**

Type of Application : **S27ZA Landlord and Tenant Act
1985 – dispensation with
consultation requirements**

Tribunal Members : **Judge John Hewitt
Mr Derek Barnden MRICS**

**Date and venue of
Determination** : **16 May 2018
10 Alfred Place, London WC1E 7LR**

Date of Decision : **17 May 2018**

DECISION

The issue before the tribunal and its decision

1. The issue before the tribunal is an application pursuant to s27ZA Landlord and Tenant Act 1985 (the Act) in which the landlord seeks dispensation with the need to comply fully with the consultation requirements imposed by s20 of the Act in respect of qualifying works proposed to be carried out as set out in an quotation/specification dated 19 December 2017 prepared by Fire Dynamics Ltd (the proposed works).
2. The decision of the tribunal is that the dispensation sought shall be granted.
3. The background to this application and the reasons for our decision are set out below.

Background

4. The subject development comprises 16 purpose built self-contained flats
5. A defect in the smoke vent system became apparent which also caused a leak into flat 13. Remedial works were required and the lessees were notified of an intention to carry out works. The applicant procured a quotation/specification for remedial works in the sum of £5,850.00 + VAT, with ongoing twice-yearly maintenance at £250 pa +VAT. There is urgency to carry out the proposed works for health and safety reasons and to halt the leak into flat 13.
6. On 20 April 2018 the tribunal received the application for dispensation.
7. Directions were given on 27 April 2018 and the tribunal indicated it proposed to determine the application on the papers and without an oral hearing during week commencing 14 May 2018 unless any party requested an oral hearing. Directions were given to enable the application to progress which included a requirement by the applicant to serve copies of the application and the directions on the lessees. By an email dated 9 May 2018 HML certified to the tribunal compliance with that direction.
8. The tribunal has not received any request for an oral hearing and has not received any objections to the application from lessees.

Reasons

9. S27ZA enables a tribunal to dispense with all or any of the consultation requirements where it considers it reasonable to do so.
10. In the circumstances on the this matter we find that it is reasonable to grant the application. The applicant has kept the lessees reasonably well informed of the issues and has obtained an estimate in a sum which is modest in context. We note the advice given to the applicant and the need for urgency strikes a chord with members of the tribunal.

11. In arriving at this decision we make it clear that we make no findings as to the reasonableness of the applicant to carry out the proposed works, the scope of the proposed works or the estimated cost of the proposed works and all or any of the respondents are entitled to challenge these matters in due course when the relevant service charge accounts are served on them.

Judge John Hewitt
17 May 2018

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 Tribunal 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 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.
4. 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.