



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

Case reference : LON/00BJ/LDC/2019/0003

Property : 171 Queenstown Road, London
SW8 3RL

Applicant : Northumberland & Durham
Property Trust Limited

Respondents : The leaseholders of the Property as
per the application

Type of application : To dispense with the requirement
to consult leaseholders about
major works

Tribunal members : Judge P Korn
Mr P Roberts Dip Arch, RIBA

Date of decision : 25th February 2019

DECISION

Decision of the tribunal

The tribunal dispenses unconditionally with the consultation requirements in respect of the qualifying works which are the subject of this application.

The application

1. The Applicant seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) from the consultation requirements imposed on the landlord by section 20 of the 1985 Act in relation to certain qualifying works.
2. The Property is a converted block of six flats.
3. The application concerns qualifying works which have yet to be carried out. The works comprise the erection of scaffolding and the replacement of some ridge tiles.

Paper determination

4. In its application the Applicant stated that it would be content with a paper determination if the tribunal considered it appropriate. In its directions the tribunal stated that it would deal with the case on the basis of the papers alone (i.e. without an oral hearing) but noted that any party had the right to request an oral hearing. No party has requested an oral hearing and therefore this matter is being dealt with on the papers alone.

Applicant’s case

5. A drone survey was carried out by Abbeyview Ltd on the Applicant’s behalf on 13th November 2018 following reports of a water leak coming through the kitchen ceiling of one of the flats. Two of the ridge tiles have broken and there are missing parts of tiles adjacent to the lead flashing from the chimney breast. Part of a broken tile has slipped but remains on the roof. This has all left the ridge board exposed and is presumed to have caused rainwater ingress into the loft area which is then making its way to the kitchen below.
6. The leaking is causing extensive damage to the Property.
7. A notice of intention was served on leaseholders on 7th January 2019 together with a covering letter explaining that the Applicant was going to apply for dispensation from complying with the remainder of the consultation requirements due to the urgency of the work.

8. The Applicant has confirmed to the tribunal that it has sent a copy of the tribunal's directions to all leaseholders together with a copy of the completed application for dispensation and has also displayed copies in the common parts. It has also confirmed that it has not received any objections to its application from leaseholders.

Responses from the Respondents

9. None of the Respondents has written to the tribunal to oppose the application.

The relevant legal provisions

10. Under Section 20(1) of the 1985 Act, in relation to any qualifying works *"the relevant contributions of tenants are limited ... unless the consultation requirements have been either (a) complied with ... or (b) dispensed with ... by ... the appropriate tribunal"*.
11. Under Section 20ZA(1) of the 1985 Act *"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..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements"*.

Tribunal's decision

12. On the basis of the information provided, we are satisfied that the works needs to be carried out relatively urgently due to the risk of further damage from water ingress and that therefore to carry out the repairs without going through the remainder of the statutory consultation process was appropriate in the circumstances. We also note that there has been some initial compliance with the consultation requirements and that none of the leaseholders has opposed the application.
13. Therefore, we are satisfied that it is reasonable to dispense with the formal consultation requirements in respect of the qualifying works which are the subject of this application. In the absence of any evidence that the Respondents have been prejudiced by the failure to consult, the dispensation is unconditional.
14. For the avoidance of doubt, this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness of the cost of the works.

Costs

15. No cost applications have been made.

Name: Judge P Korn

Date: 25th February 2019

RIGHTS OF APPEAL

- A. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) a written application for permission must be made to the First-tier Tribunal at the regional office dealing with the case.
- B. 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.
- C. If the application is not made within the 28 day time limit, such application must include a request for extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- D. 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.