

than 5th February 2010 [state] the reasons for opposing the application and whether they consent to the matter being determined on the basis of written representations and without an oral hearing.

2. The Application and Directions were served on all of the Respondents by the Tribunal. The Applicant being content for the matter to be considered without an oral hearing, and none of the Respondents having responded to the Tribunal in compliance with the Directions, the Tribunal has determined this matter on the basis of the papers.
3. The works comprise relining the lead box gutter to the side of the property (approximately a 6 metre run), and replacement of tiles and flashings adjacent. The Applicant had obtained 2 quotations (3 were said to have been requested, 1 contractor not responding). One quotation is dated 7th December 2009 from Permacote in the sum of £2110 plus VAT. The second from Tony Gibber is dated 4th January 2010 and is for £1850 plus VAT. The Tribunal is not advised whether the work has now been carried out though the Landlord in the Application said that reserve funds were available and that the contractor was expected to come out within 2 weeks of the Application being completed on 14th January 2010.
4. The Landlord wrote to each of the Tenants on 13th January 2010 to advise of the urgent nature of the works, the 2 estimates received, and the intention to apply to the Tribunal, inviting written observations and the nomination of a proposed contractor by 29th January 2010. That letter contained a summary of the proposed works and the reasons for them. The Tribunal has not been made aware of any responses from the Tenants.

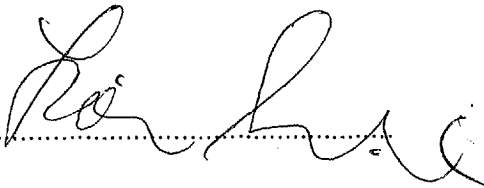
Determination

5. The Tribunal has power under s.20ZA to dispense with any or all of the consultation requirements in respect of these qualifying works (which will cost more than the limit of £250 per unit) if it considers it reasonable to do so.
6. **The Tribunal is not making a determination whether the costs are recoverable under the terms of the lease, or whether they are reasonable. These are matters which the Tribunal has jurisdiction to consider on an Application under s.27A of the Act, but they form no part of this Application, which is solely for dispensation from the consultation requirements set out in Part II of Schedule 4 to the Service Charges (Consultation Requirements)(England) Regulations 2003.**
7. The Tribunal notes that no Tenant has opposed the Application. The evidence as to the existence of a leak causing water penetration into one of the properties, whilst

limited and unsupported by expert or independent evidence, is not challenged. The Tribunal is satisfied that the conditions were as stated by the Landlord at the time of the Application. This water penetration was ongoing and clearly required repair.

8. Dispensation with the consultation requirements has the effect of depriving tenants of their right to make observations on proposals and to nominate contractors. The Applicant has made an attempt to consult with the Tenants and to obtain good value for money. The Tribunal considers that in all the circumstances the Landlord has acted in the spirit of the legislation in inviting observations and nominations, albeit within a shorter time frame than provided for, and in a single consultation letter rather than a 2 stage process as set out in the legislation. The Tenants have presented no evidence of prejudice and in all the circumstances, given the undisputed urgency of effecting repairs, the Tribunal considers it reasonable to dispense with the consultation requirements.

Signed.....

A handwritten signature in black ink, appearing to be 'P. H. H.', written over a dotted line.

Dated 15th March 2010