



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

Case reference : **LON/00AH/LDC /2014/0025**

Property : **113 Central Hill London SE19 1BY**

Applicant : **Southern Land Securities Limited**

Representative : **Hamilton King Management Limited**

Respondent : **Various Leaseholders**

Representative : **-**

Type of application : **To dispense with consultation requirements under S.20 Landlord and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint DMS FRICS**

Date of decision : **7 April 2014**

DECISION

Decisions of the tribunal

- (1) The tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the works to the roof over the bay window and two side roofs.
- (2) The lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

Reasons for the Decision

- (3) The Tribunal determines from the evidence before it that the works to the roofs were necessary

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the agents on behalf of the Applicants on 17 February 2014.
2. The application concerns repairs to the bay window roof and two side roofs where there has been water ingress reported: the roof coverings are reported to be at the end of their useful life and the fall on the two side roofs requires adjustment.
3. Section 20 Notices were served in 2012 in respect of external repairs and redecorations to all facades of the property, these have expired. During the works water ingress into some flats was reported to the contract supervisor. As scaffolding was already in place a detailed investigation was carried out which revealed that the asphalt over the bay window had come to the end of its serviceable life and that there was a backfall on the two side roofs which resulted in water running towards the property and away from the outlets causing water ingress into the flats and internal damage; previous repairs have failed.
4. Dispensation is being sought for these additional works. As contractors and scaffolding were on site the Applicant obtained two estimates: one based on undertaking the works using the contractors and scaffolding on site the other assuming the scaffolding were removed and reinstated at a later date.
5. The Applicant states that the original contract will increase from £33,602.50 to £40,000 both plus VAT, saving the leaseholders

£4,515.00 plus VAT by carrying out the works at the same time as the existing contract. In addition the roof repairs were considered to be urgent owing to the ingress of water causing internal damage.

6. On 13 February the leaseholders were advised that the additional works were required; that there were cost savings to be made by utilising the existing scaffolding and that the time delay, if full consultation was undertaken in accordance with the Act, might result in further damage inside the flats concerned.
7. Directions in respect of the application were issued on 21 February 2014 and requested that any Respondent who opposed the application should notify the tribunal no later than 31 March 2014.
8. Responses were received from two leaseholders supporting the application for dispensation; no replies were received from the remaining eight leaseholders.
9. The Tribunal is satisfied that the Respondents do not oppose the application, that they have been given sufficient time to make their views known: two leaseholders support the application and the majority have not provided any evidence to demonstrate that these works were not urgent or that full consultation should be undertaken.
10. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine that the Respondents did not oppose the application for dispensation

Name: Evelyn Flint

Date: 7 April 2014