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

**Case Reference** : LON/00AN/LDC/2014/0087

**Property** : 39-48A Digby Mansions,  
Hammersmith Bridge Road,  
London, W6 9DF

**Applicant** : Digby Mansions (39-58A) Residents  
Association Ltd

**Representative** : Rendell & Ritter (Managing Agents)

**Respondents** : 32 Joint Leaseholders (see  
schedule attached)

**Representative** :

**Type of Application** : To dispense with the statutory  
consultation requirements

**Tribunal Members** : Mrs. H Bowers, MRICS

**Date and venue of  
Hearing** : 15<sup>th</sup> August 2014, 10 Alfred Place,  
London WC1E 7LR

**Date of Decision** : 15<sup>th</sup> August 2014

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**DECISION**

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**Decision of the tribunal**

The Tribunal grants the application for dispensation from further statutory consultation in respect of the subject works.

## REASONS

### The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) dispensing with statutory consultation in respect of major works.
  
2. The premises in question comprise a purpose built block of 17 leasehold flats situated at 39-48 Digby Mansions, Hammersmith Bridge Road, London, W6 9DF (the subject development).
  
3. Directions were issued by the Tribunal on 7<sup>th</sup> July 2014 listing the matter for a paper determination for the week commencing 28<sup>th</sup> July 2014. It became apparent that the Directions were not received by Rendall & Rittner, the managing agent and accordingly, the matter was set down for consideration of the papers on the week commencing 11<sup>th</sup> August 2014. Following an enquiry by the Tribunal, the managing agents confirmed that all the Directions had been complied with, including serving the leaseholders with a copy of the Directions.
  
4. The application seeks dispensation in respect of work to re-build two chimney stacks. The two stacks are leaning and structural engineers have advised that they should be re-built. The application is being made to proceed with the work swiftly so as to ensure that the risk of the collapse of the chimneys causing damage to persons or property is minimized. It was explained that the work had been tendered and the intention is to commence the work as quickly as possible.
  
5. There were written submissions on behalf of the Applicant. The Directions invited each of the Respondents to indicate whether or not they supported the application. None of the Respondents completed the form or sent in written submissions.
  
6. It was explained that an initial Notice of Intention to carry out works had been sent out on 6<sup>th</sup> June 2014. This notice briefly described the proposed works, invited observations and also invited the leaseholders to propose a suitable contractor for the proposed works. It would appear that there were neither observations nor suggested contractor from any of the leaseholders.
  
7. Included in the papers were two quotations for the proposed work. These quotations supplied a narrative of the work involved stated that it included the provision of scaffolding; inspection of the flats beneath the stacks to ensure that flues are correctly sealed; demolition of four courses of the stacks; provision and installation of new chimney pots at half the height of the existing pots; re-flaunch and re-point.

8. The quotations mentioned above were from SJS Maintenance Ltd and Concept Building Services (Southern) Ltd. The first quotation was from SJS Maintenance Ltd was for a sum of £7,680 plus VAT and the second quotation from Concept Building Services (Southern) Ltd from 22<sup>nd</sup> April 2014 was for £13,086.53 plus VAT.

### **Determination**

9. Section 20ZA (1) of the Act provides:

*“Where an application is made to a leasehold valuation 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.”*

10. The Tribunal has taken into account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

11. There is sufficient evidence before the Tribunal of the necessity to carry out the work urgently, and that it was prudent to contract the works without a full consultation process. The Tribunal is satisfied that delaying the works for such consultation would have been undesirable. No evidence has been put forward of prejudice to the tenants or other grounds on which the tribunal ought to consider refusing the application or granting it on terms.

12. In all the circumstances the Tribunal grants the application for dispensation from statutory consultation in respect of the works, considering it reasonable to do so. For clarity the works are to demolish the two chimney stacks and for them to be re-built, using new chimney pots at half the height of the existing pots.

13. This decision does not affect the Tribunal’s jurisdiction upon any application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.

### **Appeal Provisions**

14. A person wishing to appeal against this decision must seek permission to do so by making written application to the First-tier Tribunal at the Regional office that has been dealing with the case

15. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision

16. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to admit the application for permission to appeal

17. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result that the person is seeking.

**Name:** H C Bowers

**Date:** 15<sup>th</sup> August 2014

A handwritten signature in black ink, appearing to read 'H C Bowers', with a horizontal line underneath.

### Schedule of Leaseholders:

Unit	Leaseholder
39	Mrs J Bain
40	Liana Coyne
41	R A & C J Colwell
41A	B Huckle
42	Miss S Craig
42A	Yasmin Hassan
43	Mr K E Dahlgren
43A	Anne Cartiona Gray
44	E A Perkins
44A	C Ward-Tapken
45	Mr M Cudmore (dec'd) c/o Mrs Penny Cudmore
45A	D P Maher
46	D Wilmott
46A	Mr W Campbell & Ms D Nehnevaska
47	Mr T Hunt
47A	D F Lock
48	Mr P S Kent
49	Mr M & Mrs G Phillips
49A	G Potter
50	R Gapper
50A	J Elliott
51	Ms S Ring
52	K L Levy
52A	J Goodwin
53	Ms S L Ring
54	Templemill Music Ltd
55	Ms L Westerman
56	A Wide
56A	A Wide
57	S Meyer
58	Ms G Dias
58A	Siena Laura Joy Gold