

10456



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

**Case Reference** : **LON/00AY/LDC/2014/0140**

**Property** : **Barrhill Court, Barrhill Road, SW2  
4RJ**

**Applicant** : **Moore Investments Limited**

**Respondents** : **The Long Leaseholders of Barrhill  
Court**

**Type of Application** : **Dispensation from statutory  
consultation (section 20ZA  
Landlord and Tenant Act 1985)**

**Tribunal Members** : **Mr M Martynski (Tribunal Judge)  
Mr S Mason BSc FRICS FCI Arb  
Mr A Ring**

**Date of Decision** : **8 December 2014**

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**DECISION**

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**Decision summary**

1. The Tribunal orders that the statutory consultation requirements<sup>1</sup> are dispensed with in connection with the the roof works described in the Schedule of Works prepared by Ringley Surveyors dated November 2014.

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<sup>1</sup>Which are set out at Part 2, Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003

## **Background and the application**

2. The building in question appears to have been a large commercial unit which has at some point been converted so as to provide 16 flats. A commercial warehouse remains in the building.
3. The Applicant's application is not clear in many respects. However from the documents that we have seen, it appears that the Applicant, Moore Investments, has a lease of the residential part of the building and there are various underleases from that lease for the residential flats.
4. The landlord for the whole building we believe is Nasserri Fabrics Limited. That company, we are told, has retained the commercial part of the building.
5. According to the application, as from 1 September 2014 the Applicant became responsible for the management of its part of the building upon a Right to Manage company set up by the residential leaseholders of the flats ceasing (we presume) to function.
6. The Applicant has said that the warehouse part of the building is suffering from water ingress from the residential parts of the building. We are not told the extent of the water ingress nor are we told whether interim patch repairs can be done pending a full repair.
7. The Applicant served an initial statutory consultation notice upon leaseholders on 17 September 2014. That notice gave a general description of the proposed works and invited nominations for contractors.
8. Two quotes were obtained for the works. These quotes were sent out to leaseholders by letter dated 12 November 2014.
9. As far as we are aware, the works have now started.

## **Responses**

10. No leaseholder responded to the application either in support or opposition.

## **Our decision**

11. We were concerned at the lack of clarity and information in the application as mentioned above. However, given that:-
  - (a) there has been some significant consultation with leaseholders
  - (b) the works appear to be urgent
  - (c) no leaseholder has opposed the application

We find that it is reasonable to dispense with the statutory consultation regulations in connection with the roof works referred to at the outset of this decision.

**Mark Martynski, Tribunal Judge**

**8 December 2014**