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

Case reference : LON/00BK/LDC /2014/0131

Property : 38 Upper Montagu Street London
W1H 1RP

Applicant : D I De Groot and A S Israel

Representative : Daniel Brick of David De Groot &
Co, managing agents
D I De Groot & A S Israel (Flat A)
Lofti Bensassi (Flat B)

**Respondent
leaseholders** : C J De Groot and L V De Groot-
Brick (Flat C)
S R Poursaleki (Flat D)
Ian Ramage (Flat E)

Representative : -

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

Tribunal member(s) : Mrs E Flint DMS FRICS

Date of decision : 5 November 2014

DECISION

Decisions of the tribunal

- (1) The tribunal refuses to grant 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.
- (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 may be necessary but the Applicant has not provided sufficient information regarding the urgency of the works or background information to support for the application.

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 8 October 2014.
2. The application concerns repairs to the roof which is said to be leaking; temporary repairs have not lasted; a complete section of the roof requires replacement; the work is an emergency.
3. Two quotes have been obtained for £6,300 and £7,350. The applicant states that the statutory process would take too long as the work should be carried out before the weather worsens.
4. Directions were issued on 13 October 2014 requiring the applicant to prepare bundles by 24 October to include statements
 - (i) setting out the full grounds for the application, including what consultation may have taken place and why it is considered not appropriate to go through full consultation procedure;
 - (ii) whether it may be appropriate for the tribunal to grant dispensation "on terms" which could include, but are not limited to an offer to reduce service charge costs and payment of the leaseholders reasonable legal/professional costs incurred in these proceedings;

7. Responses were received from David De Groot of Flat A and Louise De Groot-Brick of Flat C supporting the application for dispensation, both of whom show their contact details as the managing agents email address. No replies were received from the remaining leaseholders. In addition no documentary evidence in relation to the application has been provided by either the applicant or any of the respondents.
8. Accompanying the application was the text of an undated email addressed to "Dear All" but with no reference to the identity of the recipients which states that the work is an emergency and that an application for dispensation has been made. The letter refers to two quotes although only one is attached. An email to the contractor refers to an email from the tenant of flat A regarding the roof leak but too was not included in the papers sent to the tribunal.
9. The applicant has not provided any supporting evidence to show that these works are urgent; the repair history of the roof or why full consultation should not be undertaken.
10. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine that the application for dispensation be refused.



Name: Evelyn Flint

Date: 5 November 2014