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

Case reference : **LON/00AW/LDC/2015/0102**

Property : **1 – 25 Kings Mansions Lawrence
Street London SW3 5ND**

Applicant : **Rex Mansions Management Co Ltd**

Representative : **Chestertons**

**Respondent
leaseholders** : **Various leaseholders**

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 : **27 October 2015**

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.
- (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 roof structure are necessary and that it is more cost effective to carry out the works before the ceiling of flat 20 of reinstated.

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 4 September 2015.
2. The application concerns works to the filler joist and steel joists to the roof which are said to be in poor condition and require replacement. The applicants state that the integrity of the roof structure cannot be guaranteed; the roof is sagging and that the additional weight from the penthouse floor which is resting on the joists is in all probability causing the sagging.
3. Directions were issued on 10 September 2015 requiring the applicant to send a copy of the directions and the application form together with any supporting documentation to the leaseholders and display a copy of the directions in the communal hallway. The applicant was to prepare bundles by 12 October to include the full grounds for the application, and copies of any replies from the leaseholders.
4. The Leaseholders were asked to confirm whether or not they would give their consent to the application. In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application.
5. The Directions requested that any Respondent who opposed the application should notify the tribunal no later than 30 September 2015. They should also send to the landlord a statement in response to the application together with a copy of the reply form.

The applicant's case

6. Kings Mansions is a six storey, including basement, Victorian property. Penthouses were added in the late 1980's. A structural report was prepared by Yes Engineering in July 2015 in connection with the existing original steel/(concrete/clinker) filler joist roof construction. The joists had been exposed while refurbishment work was being undertaken in flat 20. It was found that the original filler joist roof construction had sagged in the rear area of No.20: the penthouse floor had been propped onto the original construction. It was reasonable to assume that the sagging was caused by the extra weight of the penthouse floor. There was evidence of rust to the steel filler joists probably caused by water ingress when the filler joist structure acted as a flat roof. Since the penthouses have been constructed the filler joist has been part of the internal structure and therefore are unlikely to have deteriorated further.
7. Three options have been considered although no consultation has been carried out. The options were set out in the report together with a comment that the penthouse floor appeared to have been constructed without building regulations approval and that remedial works should be carried out as a matter of urgency.
8. The cheapest option: the timber option was said to cost £11550 although no evidence was provided to substantiate the cost. The applicant states that the statutory process would take too long as the work should be carried out before the ceiling is reinstated in flat 20. The lessee of flat 20 would need to be accommodated elsewhere during the works, the cost of which would result in a significantly higher cost to the leaseholders unless the work is undertaken before the ceiling is reinstated.

The responses

9. Responses were received from five respondents. Three opposed the application on the grounds that urgency had not been proved and/or the sagging may be due to other factors. Two leaseholders stated that they required more information before being able to support or oppose the application.

The tribunal's decision

10. The Tribunal is satisfied that the old roof structure has failed and should not be left in place habitable accommodation. The timber work proposed which involves strengthening the penthouse floor structure is the cheapest of the three options proposed. The leaseholders are not prejudiced in this instance by dispensing with the consultation process.

Inevitably the costs would increase if the opportunity to do the work while the joists are exposed was not taken.

11. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine that the application for dispensation be granted.

Name: Evelyn Flint

Date: 28 October 2015