



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

<b>Case Reference</b>	:	<b>LON/00AF/LDC/2014/0022</b>
<b>Property</b>	:	<b>146 Anerley Road, London SE20 8DL</b>
<b>Applicant</b>	:	<b>South London Ground Rents Ltd.</b>
<b>Representative</b>	:	<b>Salter Rex Chartered Surveyors</b>
<b>Respondent</b>	:	<b>A I Afolabi D Wildman and H Wildman Islamic Bank of Britain plc A Ayonrinde Louise C Ringrose</b>
<b>Representative</b>	:	<b>None</b>
<b>Type of Application</b>	:	<b>for dispensation from statutory consultation requirements</b>
<b>Tribunal Members</b>	:	<b>Judge Dickie Mr T Sennett MA FCIEH</b>
<b>Date and venue of Hearing</b>	:	<b>23 April 2014, 10 Alfred Place, London WC1E 7LR</b>
<b>Date of Decision</b>	:	<b>23 April 2014</b>

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**DECISION**

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**Decision of the tribunal**

The tribunal grants the application.

**The application**

1. The applicant landlord 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 are a four storey residential property consisting of five self contained flats. The application seeks

retrospective dispensation in respect of dormer window and roof repairs said to have been urgent and to have posed a serious health and safety hazard.

3. Directions were issued by the tribunal on 25 March 2014 listing the matter for a hearing on 23 April 2014, and the tribunal is satisfied that these and a copy of the application were served on each of the Respondents, none of whom have responded in any way to these proceedings.
4. The hearing was attended by Mr D Miskurka, Property Manager, Mr N Hashim, Surveyor and Mr A Moore, Building Surveyor, all from Salter Rex, the managing agent. A summary follows of the relevant facts supporting the application that were before the tribunal.
5. Major works of repair and external decoration had been planned since 2011, but before their commencement, and following reports of a leak to the top floor flat, the applicant became aware that the dormer window on the roof was in need of urgent renewal and there was a risk of falling tiles and further water ingress. Two estimates were obtained for £5262.00 plus VAT and £6525.00 plus VAT to carry out the works using a tower scaffolding. The lower quotation was from QCS Maintenance and that company was contracted to carry out the works.
6. Only once the work was underway, and inspection could be carried out above the dormer window, was it discovered that there was a more serious problem in that the main roof of the property was in a dangerous state owing to nail rot and many slipped and loose slates. The contractor was unable to finish the dormer repair as any vibration would cause the roofing tiles to dislodge and fall onto the public footpath. There were other defects including flashings requiring replacement and damage to the chimney pot. Work was suspended on 16 December 2013 and the lessees notified in a letter dated 24 December 2013, a copy of which was shown to the tribunal.
7. Three estimates were obtained for the works to include replacement of the roof - £16,044.00 plus VAT from QCS Maintenance being the lowest of the three, which ranged to £18,480 plus VAT at the upper end. The total final contact sum of £25,801 plus VAT included scaffolding the whole building. The applicant took the decision to carry out the work immediately, and it was completed by QCS by 27 March 2014. The actual cost was £35,291.35 including VAT and surveyor's fees.

### **Determination**

8. 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.”

9. The tribunal has taken into account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.
10. Dispensation is sought for both elements of the work - the dormer roof work originally envisaged, and the roof replacement thereafter. There is sufficient evidence before the tribunal of the necessity to carry out the work to the dormer window urgently, and that the dangerous condition of the roof was only discovered upon working at roof level and required immediate attention. The tribunal is satisfied that delaying the works for statutory 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.
11. In all the circumstances the tribunal grants the application for dispensation from statutory consultation in respect of both the works to the dormer window and those to the roof, considering it reasonable to do so.
12. This decision does not affect the tribunal’s jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable and payable cost of the work.

**Name:** F Dickie

**Date:** 23 April 2014