

10503



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

Case Reference : **LON/00AG/LDC/2014/0142**

Property : **106 Priory Road, London NW6 4NN**

Applicant : **Regisport Limited**

Representative : **Countrywide Estate Management**

Respondents : **The leaseholders of the four flats in
106 Priory Road**

Representative : **None**

Type of application : **For dispensation with the statutory
consultation requirements in
relation to works to the building**

Tribunal Judge : **Margaret Wilson**

Date of determination : **19 December 2014**

DECISION

1. This is an application by the landlord of a building divided into four flats under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") for dispensation with the statutory consultation requirements in respect of works which have been carried out to a boundary wall. The respondents are the leaseholders of the flats.
2. The Tribunal made directions as to the conduct of the application on 31 October 2014 and amended them on 10 November 2014. The directions, as amended, required the landlord to send its application and the directions to the leaseholders by 13 November 2014 and any leaseholder who wished to oppose the application to respond by 21 November. None of the leaseholders has indicated that they oppose the application or that they wish the application to be disposed of at an oral hearing, and this decision is therefore made on the basis of the papers alone in accordance with rule 31 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
3. The documents, which include photographs, provided by the landlord's agent show that a brick-built boundary wall between the property and the neighbouring building, 104 Priory Road, had become unstable and liable to collapse due to tree root damage and the lack of a proper foundation. The landlord, advised by its managing agent and a building surveyor, decided that the height of the wall needed to be reduced and gave the leaseholders the first statutory consultation notice required by the Service Charges (Consultation Requirements) (England) Regulations 2003 ("the consultation regulations") but then concluded that the works should be carried out without further statutory consultation because of the risk of injury caused by the unstable wall. Two quotations were obtained and the work was carried out.
4. Section 20ZA of the Act gives the Tribunal the discretion to dispense with the relevant statutory consultation requirements, which in the present case are set out in Part 2 of Schedule 4 to the consultation regulations, if it is satisfied that it is reasonable to dispense with them. I am satisfied that it is reasonable to dispense with further compliance in the present case.
5. This decision relates only to dispensation from the consultation requirements. It is not a decision that the cost of the works was reasonably incurred or payable under the respondents' leases.

Judge: Margaret Wilson