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

Case Reference : **LON/00AH/LDC/2013/0005**

Property : **73 High Street, South Norwood,
London SE25 6EB.**

Applicant : **Nos 4 Limited**

Representative : **Eddisons**

Respondent : **Various Lessees**

Representative : **None known**

Type of Application : **Application for Dispensation under
S.20ZA Landlord & Tenant Act
1985.**

Tribunal Members : **Miss. A. Hamilton-Farey LLB,
FRICS, FCI Arb**

Date of Decision : **18 February 2014.**

DECISION

Decisions of the Tribunal

- (1) The Tribunal grants dispensation from the requirements to consult lessees in relation to emergency roofing works required following storm damage.

- (2) The Tribunal makes no determination on whether or not the works if carried out, will be of a reasonable standard or undertaken at a reasonable cost.

Reasons for the Decision:

- (3) The Tribunal received the application in relation to these works on 13 January 2014. This included a report by Mr. M. Rymer BSC (Hons) MRICS, RMaPS dated 8 January 2014. It appears from the application that, following storms over the Christmas period, damage was caused to the main roof of the property, and that scaffolding had to be erected to ascertain the extent of damage and the possible remedial works that would be necessary.
- (4) Directions were issued by the Tribunal on 20 January 2014 and these included a reply form to be used by lessees, and on which they should indicate whether or not they agreed to dispensation for the temporary roof and scaffold costs or not. Lessees were requested to send copies of these forms to the Tribunal. None were returned, and the Tribunal is therefore entitled to form the opinion that the lessees support this application.
- (5) Since the application the Tribunal has been informed that the landlord's insurers are prepared to meet the cost of the scaffold, including weekly hire, the temporary roof, scaffold erection costs, emergency call out fees. It would therefore appear that the majority of the costs are to be covered by insurers, although it is not clear whether or not VAT has been included in any insurance award. For this reason the Landlord seeks dispensation in respect of any items not covered by insurers.
- (6) The Tribunal is satisfied on the evidence before it, that the works were of an urgent nature, and that it would not have been practical, or fair on those who were badly affected by continual water ingress, for the full consultation process to be undertaken.
- (7) Accordingly the Tribunal dispenses with the requirements to consult as required by the Regulations.

Aileen Hamilton-Farey