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

Case Reference : **LON/00AQ/LDC/2013/0133**

Property : **78/78a Rosslyn Crescent, Harrow,
Middlesex HA1 2RZ**

Applicant : **Mountview Estates plc**

Representative : **Mountview Estates plc**

Respondent : **Ms. A. O. McKenzie**

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 : **12 February 2014.**

DECISION

Decisions of the Tribunal

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord & Tenant Act 1985 in relation to emergency roof repair works carried out in November 2013 at a cost of £1,002.00 inclusive of VAT.

- (2) The Respondent was informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, and that the sole purpose of the application was to seek dispensation.

Reasons for the Decision:

- (3) The Tribunal determines from the evidence before it, that the works to the roof were urgently required and that it was not possible, in the circumstances for full compliance with the requirements under S.20 to be undertaken.

The Applicants' Case:

1. The application under S.20ZA of the Landlord & Tenant Act 1985 ("the Act") was made by the agents on behalf of the applicants on 15 November 2013.
2. The application concerned dispensation in relation to works to the rear roof of the property, which had been reported as leaking by Messrs Garside & Hoy, representatives of the first floor regulated tenants, Mr. & Mrs. P. Fairburn.
3. The applicant has informed the Tribunal that attempts were made to contact the respondent by both letter (8 November 2013) and personal visits. In addition the chosen contractors, Messrs WS Maintenance Limited attended the property on at least two occasions. Nothing has been heard from the respondent and the applicants do not have any other contact details for her.
4. The Tribunal issued directions on 2 November 2013 that required the respondent to inform the tribunal and applicant whether or not she consented to the application for dispensation. Nothing has been heard by the Tribunal or applicants.
5. The respondent has not provided a copy of a bundle of documents, outlining any dispute she may have with the application and this determination is therefore made on the bundle provided by the applicants.
6. The tribunal considers from the evidence that it would be unreasonable for the applicants to delay the necessary works, given the possible damage and disruption to the first floor flat, and that the respondent has been given an opportunity to make her case. The Tribunal is satisfied that the respondent was sent all of the necessary documents in order for her to formulate a reply.

7. In the circumstances, the Tribunal grants dispensation from all of the requirements to consult under S.20.
8. If the applicants wish for a determination on the liability of the respondent for the costs of these works and any fees, then they must make another application.

Aileen Hamilton-Farey