



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

Case Reference : **LON/00AW/LDC/2014/0039**

Property : **212A Fulham Rd London SW10 9PJ**

Applicant : **Clayside Property Investment Ltd**

Representative : **Gail Wright of Metrus Property
Advisors**

Respondent : **The leaseholders as per the
schedule attached to the
application**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Members : **Judge Samupfonda
Mr Michael Taylor FRICS**

**Date and venue of
Hearing** : **28 April 2014
10 Alfred Place, London WC1E 7LR**

Date of Decision : **28 April 2014**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the Act”) for the dispensation of any or all of the consultation requirements. The property concerned comprises a restaurant and 5 residential flats (“Property”)
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.

The background

3. The application was received on 10 March 2014. Directions were made dated 12 March 2014. In response to the application, the respondent leaseholders of flats 2, 3 and 4 wrote to the Tribunal. Flats 3 and 4 did not oppose the application to dispense and flat 2 made no observations on the application but agreed to the matter being decided on the basis of written representations.

The hearing

4. In accordance with the Directions the matter was determined on the basis of written representations on 28 April 2014.
5. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issue.

The issue

6. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

7. The Applicant had filed a bundle in accordance with the Directions. The Tribunal was informed that the leaseholder of flat 1 reported on 25th January 2014 that there was a leak through the roof into the lounge. Following investigation the cause of the leak was finally found and the managing agents obtained two quotes for the repair of the roof. Because of the seriousness of the leak, instructions were given to a contractor to undertake this work to prevent further damage.
8. The agents advised by email all of the leaseholders regarding the leak and the urgent works required.

9. The Tribunal was informed that there were problems encountered in gaining access to the roof and it was hard to identify the source of the leak when access was finally available. The cause of the leak was identified and it had extended to the common area of the building requiring more extensive repairs than originally anticipated.
10. Two quotes were obtained and the one from Broadfields Building Services Limited in the sum of £2,990.00 excluding VAT with the benefit of a 15 year guarantee was considered the most appropriate to accept and the Tribunal understands that repair works were carried out shortly thereafter.
11. The Applicant did not carry out any consultation pursuant to section 20 of the Act but did inform the leaseholders via emails.
12. **The Respondent's position**
13. The Directions provided for the Respondents to indicate whether or not they consented to or opposed the application for dispensation and to serve a statement of case. A statement of case was not served. However, other than the 3 responses to the application there have been no observations made by any leaseholders.

The Tribunal's decision

14. The Tribunal determines that an order for dispensation under section 20ZA of the Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

Reasons for the Tribunal's decision

15. The Tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
16. In making its decision the Tribunal had regard to the fact that the works were considered to be urgently required to deal with water ingress into the property as identified by the builder's quotations
17. No objections to the application were received and no applications were made for an oral hearing. Given the circumstances, the Tribunal did not consider that the Respondents would be prejudiced by the grant of dispensation.
18. The Tribunal would stress that it is not making any assessment of the reasonableness of the charges and a challenge to those charges may be raised pursuant to section 27A of the 1985 Act in the future.

Name: Judge Samupfonda

Date: 28 April 2014