



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

Case Reference : **LON/00BH/LDC/2015/0014**

Property : **Flats 1-6, 113 Hampton Road, Chingford,
London E4 8NP**

Applicant : **Mr Kevin John Pheby**

Representative : **Kennard Wells Solicitors**

Respondents : **The six long lessees of the six flats within
Property as attached to the application
form**

Representatives : **None**

Type of Application : **Section 20ZA Landlord and Tenant Act 1985
– dispensation with the consultation
requirements of section 20 of the Act in
respect of roof works**

Tribunal Member : **Judge John Hewitt**

**Date and venue of
Determination** : **10 Alfred Place
23 February 2015**

Date of Decision : **23 February 2015**

DECISION

Decision

1. The decision of the tribunal is that it dispenses with the need for the applicant landlord to comply with the consultation requirements set out in section 20 Landlord and Tenant Act 1985 (the Act) in respect of repairs to the roof of the Property described in a report dated 29 July 2014 issued by John Pryke & Partners and a quotation dated 18 August 2014 issued by KADS Developments Limited.
2. The reasons for the decision are set out below.

Background

3. The subject Property is a purpose-built block of six self-contained two bedroom flats constructed in or about 1965. Each flat has been sold off on a long lease.
4. The applicant is the landlord and the respondents are the six long lessees of the leases.
5. On 28 January 2015 the tribunal received from the applicant an application pursuant to section 20ZA of the Act in which he seeks a retrospective dispensation with those consultation requirements which were not complied with in respect of the works. The application was accompanied with signed agreements from each of the respondents stating that they agree with the proposal of the contractor to whom the applicant let the contract.
6. Directions were given on 9 February 2015. The parties were notified of the intention of the tribunal to determine the application on the papers and without an oral hearing and that it would do so during week commencing 23 February 2015. None of the respondents has filed a response to the application opposing it and the tribunal has not received from any party a request for an oral hearing.

The gist of the case for the applicant

7. In July 2014 the roof of the Property failed. The applicant commissioned a report from John Pryke & Partners. The report is dated 29 July 2014. The report shows that the roof had caved on above flat 5 and identified urgent works or repair.
8. The applicant sought quotations from three contractors, two of whom had been recommended by lessees. The applicant kept the respondents closely informed of the project to carry out urgent repairs and sought and obtained their approval to letting the contract to KADS Developments who had quoted £15,200 + VAT.
9. The works have been carried out. The applicant seeks a dispensation for the sake of good order.

Conclusions

10. The consultation requirements are a key part of the protection of long lessees and give them an opportunity to have a say in the management of works of repair to their building.
11. Inevitably there will be occasions when due to urgency or other good cause it is not appropriate to delay works pending the completion of the three stages of consultation. Section 20ZA of the Act enables a tribunal to order the dispensation with some or all of the consultation requirements if it is reasonable to do so.
12. I am satisfied this is such a case.
13. I am satisfied that the applicant has kept the respondents informed of its management of these works and involved them in the decision making process. I note that none of the respondents has opposed this application. In the circumstances I have determined that the need for full compliance with the consultation requirements of section 20 of the Act in relation to the subject roof repairs shall be dispensed with.
14. In granting this dispensation I make no findings as to the reasonableness of the applicant in carrying out the proposed works or as to the reasonableness of the scope or cost of such works and these are matters which any respondent is entitled to challenge in due course should he or she wish to do so.

Judge John Hewitt
23 February 2015