



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

Case reference : LON/00AN/LDC/2017/0076

Property : 160 Hammersmith Grove,
London W6 0ND

Applicants : Claudine Tordjeman
Alice Pitcher

Representative : Rory MacDonald, Kensington Flats

Respondents : Lessees of 2 flats

Type of application : To dispense with the requirement to
consult lessees about major works

Tribunal : Judge Nicol

Date of decision : 14th September 2017

DECISION

The Tribunal has determined that the Applicants shall be granted dispensation from the statutory consultation requirements in relation to the works carried out to address the rodent infestation at the subject property.

Reasons

1. The Applicants are the landlords of the subject property, a converted house with 4 flats, two of which they have retained. There has been a longstanding rodent infestation and, when the tenants of the basement flat had finally had enough and quit their tenancy, the Applicants, through their agents, arranged for remedial works to be carried out. The Tribunal was provided with the lease for one of the two leased flats which, it is assumed, is standard. Under that lease, the Applicants are obliged to maintain the

property and keep it insured and the lessees are obliged to pay a proportionate share of the costs incurred.

2. The Applicants' agents obtained from LBB Chartered Surveyors a specification for vermin proofing the basement flat. LBB then sent out the specification for tender and received two quotes for the following sums: £30,192 (Currie & Neville (Builders) Ltd) and £25,657 (MDP Interiors Ltd). At those prices, the resulting service charges would be large enough to trigger the statutory consultation requirements under section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003. However, the Applicants felt the works were too urgent given the loss of income resulting from the basement flat being untenanted. The lower tender was accepted and the works were carried out for the final price of £17,222 plus VAT. On 14th July 2017 the Tribunal received their application for dispensation from the consultation requirements in accordance with section 20ZA of the Act.
3. The Tribunal made directions on 19th July 2017 requiring the Applicant to send to each lessee both the application and the directions, which they confirmed by letter dated 24th August 2017 that they had done so by letter dated 27th July 2017. None of the Respondents have commented in response.
4. In accordance with the Supreme Court's decision in *Daejan Investments Ltd v Benson* [2013] 1 WLR 854, the primary issue when considering dispensation is whether any lessee would suffer any financial prejudice as a result of the lack of compliance with the full consultation process. Given the absence of any objections, it is impossible to identify any financial or other prejudice. The only evidence is that the works were required.
5. Given the lack of prejudice or objections, the Tribunal is satisfied that it is reasonable to dispense with the statutory consultation requirements.

Name: NK Nicol

Date: 14th September 2017