

12363



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

Case reference : **LON/00AN/LDC/2017/0078**

Property : **Rockley Court, Rockley Road,
London W12 ODB**

Applicant : **Martin Prendergast on behalf of
Rockley Court Residents
Management Ltd**

Representative : **N/A**

Respondent : **Flats 51, 52,53 Rockley Court,
Rockley Road London W14 ODB**

Representative : **N/A**

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

Tribunal member(s) : **Judge Abebrese
Stephen Mason FRICS, FCI Arb**

**Date and venue of
hearing** : **10 Alfred Place, London WC1E 7LR**

Date of decision : **11 September 2017**

DECISION

The application

1. The applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (the 1985 Act) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a residential block of flats consisting of 50 original flats which was added to by the freehold developer in May 2009. 3 new flats 51, 52 and 53 were added at the end of the original block, with own roof, entrance door and communal stairwell.
2. The issue in this case is whether the consultation requirement of section 20 of the 1985 Act should be dispensed with.
3. The applicant seeks dispensation in respect of the works required to repair leaks from the roof of 51, 52 and 53 and at the time of the application they had undertaken investigation works involving, access via scaffold erected on site in order to assess the cause of the leak and to carry out repairs. The proposed works are above the section 20 limit.
4. The occupier of flat 52 Mr Payne requested an extension on 17 August 2017, his application was granted and extension to make his submissions, the application was granted to 23 August 2017. Subsequently the respondents did not submit any submissions opposing the application. Therefore, this is an unopposed application.

The Tribunal's decision

5. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works described in the application.
6. The Tribunal notes that the works have in actual fact been completed by the applicant's, however, we also determine that even if the works had not been commenced and completed that bearing in mind the nature of the works dispensation would have been granted to the applicants.
7. We also determine that the respondents would not have been prejudiced by granting of the application.

Application under s.20C

8. There was no application under section 20C before the tribunal.

Name: Judge Abebrese

Date: 11 September 2017

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).