

12382



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

**Case Reference** : LON/OOBA/LDC/2017/0074

**Property** : 58a and 58b The Broadway,  
London SW19 1RQ

**Applicant** : R & R Partners

**Representative** : Kerman & Co LLP

**Respondents** : (1) Margaret Dorothy Wright  
and Alan Fenwick  
(2) Jared Thomas O'Brien Lee

**Representative** : None

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

**Tribunal Judge** : Mrs S O'Sullivan

**Date of Decision** : 29 August 2017

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**DECISION**

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## **The application**

1. The applicant seeks an order 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 mixed commercial and residential premises with commercial units on the lower floors and two flats one being 58a The Broadway (the “First Floor Flat”) and the second 58b The Broadway (“Second and Loft Floors”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with. The qualifying works are complete roofing works said to be urgently required to remedy a leak.

## **The background**

3. The application was received on 10 July 2017 and directions were made dated 13 July 2017. The application seeks dispensation in relation to repairs to the roof due to water ingress.
4. 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**

5. The applicant had filed a bundle in accordance with the directions and relied on a statement of case dated 10 August 2017. It first became aware of a potential issue on 26 March 2017 when it was informed that there had been minor leaking. This was exacerbated by heavy rainfall over spring 2017 and at the beginning of June 2017 it was realised that urgent attention was needed.
6. The applicant included an invoice for the works in the bundle from Manor Roofing and Guttering in the total sum of £1,535. However it is noted that the works which are the subject of this application total £1,450 as the sum of £85 relates to chimney capping requested by a leaseholder. The applicant had obtained three quotations before proceeding.
7. The applicant also included various correspondences in the bundle to the leaseholders which informed them of the necessity of the works and kept them informed as to progress.

### **The Respondents' position**

8. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case by 17 August 2017. None of the leaseholders served any statements of case. Thus the tribunal concluded that the application was unopposed.

### **The Tribunal's decision**

9. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works set out in the application and as set out in the invoice from Manor Roofing and Guttering dated 15 June 2017.

### **Reasons for the Tribunal's decision**

10. 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*".
11. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
12. The tribunal hereby orders that the applicant shall serve a copy of this decision on each leaseholder. The tribunal would indicate however that if there are any further works at the Property which may become necessary due to the age and general condition these should form part of a proper planned consultation.
13. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.

### **Application under s.20C**

14. There was no application for any order under section 20C before the tribunal.

**Name:** S O'Sullivan

**Date:** 29 August 2017