



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

Case Reference : CHI/43UF/LDC/2019/0075

Property : Grange Court, London Road South,
Merstham, Surrey RH1 3DZ

Applicant : Parvis Limited

Representative : HML Group

Respondents : Mr. R. J. King (Flat 6)

Representative :

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

Tribunal Member(s) : Judge D. R. Whitney

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 17th December 2019

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. Directions were issued on 24th September 2019 the dates for compliance with which were revised by directions dated 29th October 2019.
3. These required the Applicants managing agent to serve the application upon all leaseholders and notify the tribunal. The Applicants representative did this on 1st November 2019.
4. The tribunal has received a bundle of papers to enable it to determine whether or not dispensation from the strict consultation requirements should be undertaken. The application concerns works which have been undertaken to certain elevations of the roof identified in a plan within the bundle at page 48 as areas L and K.
5. The applicants attached emails from 7 of the 8 leaseholders confirming their agreement to the proposed works. The Applicants received no response from Mr King of Flat 6. Three leaseholders being Ms Kwan (flat 7), Ms Thomson (flat 5) and Ms Alderman (flat 1) returned forms to the tribunal confirming they agreed the application.

The Determination

6. The application includes various historic papers in respect of roof replacement (see tabs 6 and 7 of the bundle). At tab 11 page 59-61 is a notice of intention sent out dated 30th August 2019. Further within the bundle are various emails sent by the managing agent to all leaseholders to keep them apprised of the works which were being undertaken without strict compliance with the full consultation requirements.
7. In particular on 23rd August 2019 the Applicants representative sent an email to all leaseholders explaining that they intended to proceed to have the works undertaken as soon as possible. It invited the leaseholders to support this proposal and that they would then apply for dispensation. At pages 51-55 are copies of the email replies from all leaseholders save for Flat 6 Mr King. We are told Mr King did not reply. All the leaseholders who replied supported the application.
8. The application form itself refers to the cheapest quote being accepted. However, within the bundle it would appear Tunbridge Wells Roofing Limited were awarded the contract rather than SJM Roofing. No explanation is given save at page 71 the supervising surveyor expresses reservations as to the ability for SJM Roofing to complete the works satisfactorily within this price. Strictly speaking for the purpose of this application this is irrelevant.

9. Details of the contract and the progress of the same are included. It would appear the works were completed by early in November 2019 and a final invoice was issued by the contractor on 12th November 2019.
10. Considering all matters the tribunal is satisfied that no leaseholder has objected or demonstrated any prejudice. It is clear works were required and it was appropriate to have these works undertaken without a full consultation given the risk of the roof failing. On balance it is just and fair to grant dispensation.
11. **The Tribunal dispenses with the consultation requirements in respect of the major works to roof elevations L & K.**
12. This decision is confined to the dispensation from the consultation requirements in respect of the major works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. A leaseholder retains the right to challenge the costs of the works by making application to the Tribunal under section 27A of the 1985 Act.

Judge D. R. Whitney

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking