



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

Case Reference : **LON/00AG/LDC/2019/0062**

Property : **33 Compayne Gardens, London NW6
3DD**

Applicant : **33 Compayne Gardens Limited**

Representative : **N/A**

Respondent : **The (5) leaseholders at the property**

Representative : **N/A**

**Type of
Application** : **Section 20ZA**

Tribunal Member : **Judge LM Tagliavini
Miss M Krisko FRICS**

**Date and place of
hearing (paper)** : **10 Alfred Place, London WC1E 7LR
4 June 2019**

Date of decision : **4 June 2019**

DECISION

The tribunal's summary decision:

1. The tribunal determines it is appropriate to dispense with consultation requirements of section 20 of the Landlord and Tenant Act 1985 for the purpose of carrying out works to remedy a leak from the roof terrace of Flat 5 to Flat 4 below.
-

The application

1. This is an application made pursuant to the provisions of section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") seeking the tribunal's dispensation from the section 20 consultations requirements.

The property

2. The subject property comprises a building containing five flats the freehold of which is held by the Applicant. Each of the Respondent tenants of the five flats in the building are also equal members of the Applicant, 33 Compayne Gardens Limited.

The Applicant's case

3. In February 2019 an attempt was made to patch a leak occurring from the roof balcony to Flat 5 into Flat 4 below. As this repair failed the Applicant now seeks to carry out more substantial repairs requiring consultation in accordance with the 1985 Act. However, as works have become urgent the Applicant now seeks the tribunal's dispensation of the consultant procedures in order to carry out works of repair/improvement in accordance with the quote provided by The Roofing Crew.

The Respondent's case

4. The Respondents did not seek to make any objection to the application.

The tribunal's decision and reasons

5. As neither party made a request for an oral hearing the tribunal determined this application on the documents provided.
6. The tribunal finds that works to remedy the leak are required and that they are urgent in nature. However, the tribunal notes that the quote relied upon by the Applicant includes works to the surface of the roof terrace of Flat 5. The surface of the roof terrace is an area demised to the lessee of Flat 5 pursuant to paragraph (v) of The Second Schedule of the lease dated 9th February 1988. The tribunal is satisfied that the

remaining works specified by The Roofing Crew fall within the repairing/improving obligations of the Applicant landlord and that the cost of the works are to be apportioned appropriately between the lessees in accordance with the terms of their respective leases.

7. The tribunal is satisfied that the Respondent lessees have been informed of this application to the tribunal by a letter dated 10 April 2019 from a director of the Applicant company. However, the tribunal notes that no objection has been made to this application or any prejudice identified by the lessees that might be caused by the dispensation of the consultation requirements.
8. Therefore, in all the circumstances, the tribunal considers it appropriate for the works identified in the quote relied upon by the Applicant to be carried out as a matter of urgency and therefore dispenses with the consultation requirements of section 20 of the 1985 Act.
9. For the avoidance of doubt, the tribunal's dispensation in respect of the consultation requirements does not prevent the parties from seeking the tribunal's determination of the standard or costs of the works at a later date.

Signed: Judge Tagliavini

Dated: 4 June 2019