



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

Case Reference : **LON/00AH/LDC/2019/0136**

Property : **20-26 Elmwood Road, Croydon,
Surrey CRO 2SG**

Applicants : **Southern Land Securities Limited**

Representative : **Together Property Management**

Respondent : **Various lessees**

Representative : **N/A**

Type of Application : **Section 20ZA – dispensation from
consultation**

Tribunal Members : **Judge Tagliavini
Mr. P Roberts DipArch RIBA**

**Date and venue of
paper determination** : **2 October 2019
10 Alfred Place, London WC1E 7LR**

Date of Decision : **2 October 2019**

DECISION

The tribunal's decision

- I. The tribunal determines that it is appropriate to dispense with the consultation requirements of section 20 of the Landlord and Tenant Act 1985 in respect of re-roofing of the two flat roofs at the subject premises of 20-26 Elmwood Road, Croydon, Surrey CRO 2SG ("the premises).**
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Background

1. This is an application made by the landlord under section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act) seeking the tribunal's dispensation for works to replace two flat roofs at the subject premises, due to their failure and the subsequent water damage that occurs during wet weather.
2. The subject property comprises four Victorian houses comprising sixteen self-contained flats over four floors (including basement).
3. In support of the application the tribunal was provided with a report from Darren Hall (Roofing) dated 14th August 2019 in which, the necessary works were set out totalling a cost of £4880 for the replacement of the flat roof on flats 20-22 and flats 24-26. In the application, it was stated that the works had become more urgent as works of internal redecoration had already been commenced when the extent of the roof works required was discovered. Therefore, in order to avoid internal works of redecoration from being spoiled by ongoing water penetration and to prevent a duplication of works and cost the Applicant had decided to proceed with the roof works immediately.
4. The tribunal was informed that a Notice of Intention had been sent to the parties as well as notification of this application. The tribunal received responses from 7 lessees only two of which, opposed the application for dispensation. Of these, only one lessee gave reasons for opposing the application on the grounds that the landlord had known of the water damage for some time and that the works required were not so urgent as to require an application to the tribunal for dispensation from consultation. Further, it was said that in any event, the Residents Association could have been involved and the need for and the expense of this application could have been avoided by seeking their agreement.

The tribunal's decision and reasons

5. As neither party requested an oral hearing this application was determined on the documentary evidence provided by the Applicant together with the written objections of the single lessee dated 26th September 2019. The tribunal considered that in light of the nature of the works required and the onset of the colder and wetter months of the year there was an element of urgency to these works. Further, the tribunal determined that there was

a cost benefit to be obtained by the lessees, by having these works done immediately before the planned works of internal redecoration to communal areas thereby avoiding damage to these newly decorated areas.

6. The tribunal noted the objections raised but noted they referred more to cost of applying to the tribunal for dispensation rather than the identification of any substantive prejudice caused by the absence of consultation. The tribunal was not presented with any evidence to show that any agreement of the Residents Association would have been forthcoming either at all or in a timely manner.
7. The tribunal, therefore concluded that it is reasonable and appropriate to grant the dispensation sought by the applicant in respect of the replacement of the two flat roofs at the subject premises.

Signed: Judge Tagliavini

Dated: 2nd October 2019