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

Case Reference : **LON/00BG/LDC/2013/0072**

Property : **Wentworth Mews, Windermere House & Wearmouth House, Eric Street and Joseph Street London E3**

Applicant : **Eastend Homes Limited**

Representative : **Mr Stephenson, project manager building surveyor
Mrs Sainsbury, leasehold manager**

Respondent : **The leaseholders as per the schedule attached to the application and this decision**

Representative : **None**

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

Tribunal Members : **Judge O'Sullivan
Lady Davies FRICS**

Date and venue of Hearing : **2 October 2013, 10 Alfred Place, London WC1E 7LR**

Date of Decision : **2 October 2013**

DECISION

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 comprises three blocks of flats known as Wentworth Mews, Windermere House and Wearmouth House at Eric & Joseph Street, London E3 and the application is made against the various leaseholders in the schedule attached to the application form (the "Respondents").
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with. The Applicant says that concrete was seen to be spalling and some loose material had fallen to the ground. The landlord proposes to remove loose materials and carry out some minor repairs to make the property safe. The full concrete repairs themselves will form part of a major works contract planned to take place in around two years time.

The background

3. The application was received on 25 June 2013. Directions were made dated 26 July 2013 but these were not complied with due to the absence on bereavement leave of the leasehold manager, Mrs Sainsbury. Further directions were made dated 15 August 2013, which provided for the Applicant to serve a statement of case on the Respondents and for them to then indicate whether they consented to the application and wished to have a hearing.
4. No leaseholder has objected to the application.

The hearing

5. The matter was considered at a short hearing on 2 October 2013. Mr Stephenson, a surveyor and project manager, and Mrs Sainsbury, a leasehold manager, appeared for the Applicant. None of the Respondents attended or made any representations.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.

The issues

7. 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

8. The Applicant had filed a bundle in accordance with the directions. The tribunal is informed that the works are required to make safe the blocks in the light of the loose concrete materials.
9. The tribunal heard that the Applicant first became aware of the problem on an inspection on site in relation to a planned window replacement when part of the concrete fell to the ground. The property has since been scaffolded and made safe pending the works.
10. The tribunal is informed however that a Stage 1 notice was served under section 20 of the Act dated 17 July 2013. The works stated to be required can be summarised as follows;
 - *Removal of loose/spalling concrete and making good*
 - *Concrete repairs*
 - *Scaffolding*
 - *Window works (new window to number 43)*
 - *Associated works*
11. A quotation has been obtained from Martech in the sum of £44,500. The Applicant has been advised that the best method of carrying out the works is by abseil and this is a specialist method. It is therefore difficult to obtain comparable quotations. The Applicant has however been advised that this is a reasonable sum by the structural engineer. The Applicant is proposing to recharge the leaseholders only 4 weeks of the scaffolding cost due to the delay in progressing the application through the tribunal which is the time it estimated it would have required for the replacement of the window.
12. The Applicant has held an informal drop in meeting with the leaseholders and has invited their observations to the works. The Applicant had prepared a summary of those observations in the bundle. It was noted that none of the leaseholders objected to the application and that the observations comprised in the main of requests for clarification.

The Respondents' position

13. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

The Tribunal's decision

14. 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 outlined above.

Reasons for the Tribunal's decision

15. 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*".
16. In making its decision the tribunal had regard to the fact that the works are considered urgently required to deal with the loose concrete at the property and the danger emanating from that.
17. None of the leaseholders have objected to the application and the tribunal did not consider that any leaseholders would be prejudiced by the grant of dispensation.
18. The Tribunal would stress that it is not making any assessment of the reasonableness of the charges and a challenge to those charges may be raised pursuant to section 27A of the 1985 Act in the future.
19. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Name: S O'Sullivan

Date: 2 October 2013