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

**Case Reference** : **LON/00AG/LDC/2013/0099**

**Property** : **40 Dartmouth Park Road, NW5 1SX**

**Applicant** : **Ms K Pettican**

**Representative** : **None**

**Respondents** : **The long leaseholders of flats 1- 3  
40 Dartmouth Park Road**

**Representative** : **None**

**Type of Application** : **Dispensation from statutory  
consultation (section 20ZA  
Landlord and Tenant Act 1985)**

**Tribunal Members** : **Mr M Martynski (Tribunal Judge)  
Mrs S Redmond BSc (Econ) MRICS  
Mr P Clabburn**

**Date of Decision** : **13 November 2013**

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**DECISION**

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## **Decision summary**

1. The Tribunal decides that the statutory consultation requirements<sup>1</sup> are dispensed with in connection with works of repair to the flat roof at Flat 3, 40 Dartmouth Park Road carried out between 18-20 September 2013 as per the quote from Decent Roofing dated 10 September 2013.

## **Background**

2. The building in question contains three flats. Ms Costello is the long leasehold owner of flat 2, Mr Raw is the long leasehold owner of Flat 3. Flat 1 is owned by the Applicant.
3. Following a leak to the roof above Flat 3 and unsuccessful attempts to carry out temporary repairs to that roof and following discussion between all the parties, it was decided to carry out further works to the roof of a more permanent nature.
4. A first consultation notice in respect of those further works was served on the leaseholders on 11 September 2013.
5. Two quotes for the works were obtained from Decent Roofing and from Urang Building Limited. Those quotes were considered by all the parties to this application and a decision was made to proceed with Decent Roofing. Work to replace the flat roof was authorised and completed by 20 September 2013.
6. This application was made later in September 2013. Directions were given on 4 October 2013 stating that the application would be considered on the papers alone unless any party objected. There were no objections and the application was decided by the Tribunal upon consideration of the application and the bundle of papers (running to 29 pages) submitted by the Applicant.
7. Ms Costello of Flat 2 responded to the application and indicated her support for it. There was no response from Mr Raw of Flat 3.

## **Decision**

8. Given that:-
  - (a) There has been some consultation with leaseholders
  - (b) There was good reason for carrying out the works urgently
  - (c) No leaseholder has objected to the application
  - (d) There is no evidence or suggestion of any prejudice having been caused to any leaseholder by the lack of full statutory consultation;

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<sup>1</sup> Which are set out at Part 2, Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003

The Tribunal finds that it is reasonable to dispense with the statutory consultation regulations in respect of the works described in paragraph 1 above.

**Mark Martynski, Tribunal Judge**

**13 November 2013**