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

**Case Reference** : LON/00AP/LDC/2013/0077

**Property** : Flat A, B & C, 1 Crouch Hall Road,  
London N8 8HT

**Applicant** : Mr I Humberstone

**Representative** : None

**Respondent** : Mr P Black (Flat B)  
Mr M Margetson & Ms Z Adams  
(Flat A)  
Mr L Ingleton ( Flat C)

**Representative** : None

**Type of Application** : To dispense with the consultation  
requirements

**Tribunal Members** : Judge O'Sullivan

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

**Date of Decision** : 27 August 2013

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**DECISION**

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**The Tribunal makes the dispensation order under section 20ZA of the Landlord and Tenant Act 1985.**

**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 is at 1 Crouch Hall Road, London N8 8HT and the application is made against the various leaseholders as named on the front page of this decision (the "Respondents").
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with in relation to the proposed roof repairs at an estimated cost of £1,400 to £1,500.

**The background**

3. The property which is the subject of this application is described as a Victorian house over 4 floors divided into three flats.
4. The application was received on 7 August 2013. Directions were made dated 9 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. The leaseholders of flats A and C have consented to the application. The leaseholder of flat B has not objected to the application and the tribunal has received no correspondence from this leaseholder.
5. Neither party has requested a hearing and therefore the matter was considered by way of a paper determination on 27 August 2013.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. The Respondents each hold a long lease of the property, which requires the landlord to provide services and the tenant to contribute towards their costs by way of a variable service charge. The specific provisions of the lease and will be referred to below, where appropriate.

### **The issues**

8. 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**

9. The Applicant had filed a bundle in accordance with the directions. The statement confirmed that a leak has occurred into flat C. Works had previously been carried out last winter and it had been thought that the problem had been solved. A roofer has now reported that the lead gutter is failing and that there are also some broken tiles in need of replacement. The cost is £1500. Works have now commenced on site as the leak was worsening and causing further damage.
10. The tribunal has been provided with a copy of the invoice from Building Force Building Services which sets out the works required as "*scaffold tower & lead valley replacement and broken slates*". The cost is £1500.

### **The Respondents' position**

11. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. The tribunal was provided with emails from the leaseholders of flats A and C which confirmed their consent to the works. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

### **The Tribunal's decision**

12. 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**

13. 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*".
14. In making its decision the Tribunal had regard to the fact that the works are now considered urgent. It also took into account the fact that none of the leaseholders had objected to the application and that some were obviously keen to see the work done. In conclusion it considered the works urgent and did not consider that any leaseholders would be prejudiced by the grant of dispensation.
15. 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.

Chairman:

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Sonya O'Sullivan

Date: 27 August 2013