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

Case Reference : LON/00AP/LDC/2014/0128

Property : 28 Colney Hatch Lane, London, N10 1DU

Applicant : Geddingbourne Property Company Limited

Representative : Martyn Gerrard

Respondent : The Leaseholders listed in the application

Type of Application : Dispensation with Consultation Requirements

Tribunal Members : Judge Robert Latham
Hugh Geddes JP RIBA MRTPI
Alan Ring

Date and venue of Hearing : 17 October 2014
at 10 Alfred Place, London WC1E 7LR

Date of Decision : 17 October 2014

DECISION

The Tribunal determine to allow this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

The Application

1. By an application dated 24 September 2014, the Applicant seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 ("the Act"). The application involves 5 leaseholders at 28 Colney Hatch Lane ("the block"). The Applicant contends that urgent repairs are required to protect the structural integrity of the building.
2. In September 2014, Isabelle Lassouquere and William Stubbs, the leaseholders of the first floor flat, were having some renovation works carried out to their flat. The bressumer above the first floor bay consists of three 225 x 50 timbers, two of which are placed under brick walling above, the third lightly connected to the others, supporting the second floor joists. The builders found that two of the existing timber sections had started to split which had caused a deviation of 25-30mm.
3. The builders arranged for an engineer to compile a report which the leaseholder sent to Gavin Putney, of Martyn Gerrard, the managing agents. Mr Putney sent it to the landlord who instructed him to arrange for a report from a structural surveyor. Nick Nicolaou, of NN Engineering Consultants Ltd prepared a report dated 17 September. UCS Construction have estimated the cost of the works at £4,995.
4. The only issue for this Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.
5. On 25 September, Mr Putney wrote to the Respondents to inform them of this application. He stated that the managing agents had approached two contractors and that the landlord was minded to proceed with the most reasonable quote.
6. On 25 September, this Tribunal gave directions. On 26 September, the Tribunal sent a copy of the Directions to the parties. By not later than 2 October, the Respondents were required to notify the Tribunal whether they consent to or oppose the application. On 6 October, Isabelle Lassouquere and Williams Stubbs informed the Tribunal that they consented to the dispensation. No other Respondent has written to the Tribunal opposing the application.
7. On 10 October, the Applicant filed a Bundle of Documents. Estimates have been obtained from UCS Construction in the sum of £4,995 and Doherty Building Services, in the sum of £5,203.20. It is understood that this latter quote includes the steel which Metallico are to supply at a cost of £586 (+ VAT).

8. Section 20ZA(1) of the Act provides:

“Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

9. Having regard to the papers before us, the Tribunal are satisfied that it is reasonable to grant dispensation from the consultation requirements. This is justified by the urgent need for the works. The Applicant has taken reasonable steps to bring both the works that are proposed and the likely costs of the same to the attention of the leaseholders. No leaseholder has questioned the need for the works or suggested another builder. To insist that the Applicant follow the strict requirements of the statutory consultation procedure will only cause unnecessary delay. No Respondent has suggested that he or she would be caused any prejudice were we to grant this application.

Robert Latham

Tribunal Judge

17 October 2014