

9650



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

Case Reference : LON/00BJ/LDC/2014/0026

Property : Flats A-D, 184 Ramsden Road
London SW12 8RE

Applicant : Sarum Properties Ltd

Representative : Remus Management Limited

Respondents : Mr Ward & Ms Bartels (Flat A)
Mr and Mrs James (Flat B)
Mr & Mrs Graham (Flat C)
Mr Williams & Ms Remnant (Flat D)

Representative :

Type of Application : To dispense with the requirement
to consult lessees about major
works – S20ZA Landlord and
Tenant Act 1985

Tribunal Members : P M J Casey MRICS

**Date and venue of
Hearing** : Paper determination on 2 April 2014
10 Alfred Place, London WC1E 7LR

Date of Decision : 8 April 2014

DECISION

Decision of the tribunal

- (1) The tribunal determines that it is satisfied that it is reasonable to dispense with all of the consultation requirements of Section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 (the Regulations)

The application

1. The applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the Act”) that the consultation requirements of the Act may be dispensed with in respect of certain works at Flats A-D 184 Ramsden Road London SW12 8RE (“the property”).
2. The applicant requested a “paper determination” and the Tribunal accepted that this was appropriate although the Directions for the management and progression of the application gave the respondent lessees of the flats at the property the opportunity to request an oral hearing; none did so.
3. The Directions, dated 24 February 2014, further required the applicant to serve a copy on each lessee together with a pro forma response slip which they were asked to complete showing their support of or opposition to the application. The lessees of Flat B and C returned the form and supported the application, neither of the other leaseholders responded.
4. The bundle of documents produced by the Applicant in accordance with the directions was considered by the Tribunal on 2 April 2014.

The background

5. The property which is the subject of this application comprises four self-contained flats in a converted late 19th century detached house. Photographs of some of the disrepair to the building were provided in the hearing bundle. Neither party requested an inspection and the tribunal did not consider that one was necessary, nor would it have been proportionate to the issues in dispute.
6. The Respondents hold long leases of the flats at the property which require the landlord to provide services and the tenant to contribute towards their costs by way of a variable service charge. There is no suggestion in this application that the works to be undertaken fall outside the Applicant’s obligations under the leases nor that the lessees are not required to contribute to the costs of the works.

The issues

7. The relevant issue for determination had been identified in the directions as whether or not it would be reasonable for the Tribunal to grant the Applicant dispensation from all or any of the consultation requirements set out in the Act and the Regulations in respect of certain major works to be carried out at the property.
8. Having read the evidence and submissions from the Applicant and considered all of the documents provided, the tribunal has made the determination applied for.

The tribunal's decision

9. The tribunal determines that it is reasonable to dispense with all of the consultation requirements of the Act and the Regulations in respect of the works referred to in the application dated 17 February 2014.

Reasons for the tribunal's decision

10. The works comprise repairs to the flat roof over Flat B leaks from which has caused damage to that flat and one other. The repairs are said to be urgent to prevent the damage spreading further with a consequent substantial increase in costs. The applicants are keen to avoid an insurance claim presumably because of any excess on the policy and the effect on future premium levels.
11. Bespoke Contractors Ltd have advised that the flat roof over Flat B needs re-felting and three beams and noggins which have rotted as a result of the leak need to be cut out and replaced with new structural beams. The tank housing needs to be accessed to check the integrity of the tank. In addition the ceiling to the Flat needs replacing and an allowance should be made for scaffold access if needed. Their two separate quotations total £3,980 plus VAT. A different contractor, Vortex Property Service, has quoted the sum of £520 in respect of interior wall plaster repairs to Flat B and some external window repairs.
12. These works of repair clearly need to be undertaken and the sooner the better to prevent the damage spreading. The proposed spend is not great and none of the leaseholders oppose the application. They all retain the right to challenge the actual cost and quality of the works once they are completed including, if it is appropriate to do so, arguing that an insurance claim should have been made.
13. There is no evidence before the Tribunal that any of the lessees will suffer any prejudice by the lack of consultation and the Tribunal is of

the opinion that it is reasonable in all the circumstances to grant the dispensation sought which is the sole matter before the Tribunal

Name: P M J Casey

Date: 8 April 2014