

12420



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

**Case Reference** : LON/00AG/LDC/2017/0100

**Property** : 76 Marchmount Street, London WC1N  
1AG

**Applicant** : Peter Christeas

**Representative** : Drivers & Norris

**Respondent** : (1) Peter Christeas  
(2) Diana Laurie  
(3) John Cefai  
(4) Chris S Gibb

**Representative** : No applicable

**Type of Application** : Application for dispensation from  
statutory consultation

**Tribunal Members** : Judge Dickie

**Date and venue** : 5 October 2017  
10 Alfred Place, London WC1E 7LR

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**DECISION**

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Summary Decision of the Tribunal

The tribunal grants the application for dispensation from statutory consultation in respect of the subject works specified in the notice of intention dated 23 August 2017 and as set out in paragraph 11 of this decision.

## The application

1. The premises in question are a four storey period building converted into four residential flats on the first to fourth floor above one commercial unit on the ground floor and basement level. The applicant landlord has made an application for a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“The Act”) dispensing with statutory consultation in respect of roof repairs.
2. The Applicant has served a copy of the application and the tribunal's directions of 29 August 2017 on each of the residential leaseholders. No party had exercised the right to request an oral hearing of the application. The tribunal has therefore proceeded to reach a decision on the documents and without a hearing, having given notice of its intention to do so.
3. A sample copy of the lease has been provided. The relevant terms are not set out in this decision.

## The Law

4. 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.”*

5. The tribunal has taken into account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

## Evidence, Decision and Reasons

6. The Applicant explains that the condition of the roof has caused water ingress into flat 4 on the fourth floor in several places, resulting in the growth of mould and mildew throughout the property, cracks to some walls, and damage to the kitchen ceiling and floor. Water has also penetrated into flat 3. Photographs have been provided to me, some taken from within the roof space. There are multiple breaches of the integrity of the unfelted roof from slipped and damaged tiles. Amongst the defects are displaced pointing and lead flashing. The roof is clearly in a very poor state of repair.

7. The problem of leaks are said to have been ongoing from 2014. It is explained that several works have been carried out in the past but have not successfully resolved the issue.
8. The proposed works of repair have not yet begun. An emergency roof assessment by Argyll Roofing was carried out on 13 July 2017. A copy of the survey report and quote for the repairs (in the sum of £1,875 excluding VAT) was produced in evidence.
9. The works are considered to be urgent as they represent a health and safety hazard, there is said to be a risk of short circuiting to the electrical installation, and further damage to the building. On the evidence before it the tribunal accepts all of these reasons for urgency.
10. A notice of intention was served pursuant to s.20 of the Act on all residential leaseholders dated 23 August 2017, giving a consultation period ending on 25 September 2017. On 31 August 2017 the Respondent Mr Cefai gave his written consent to the works. There have been no observations made by other leaseholders and none have responded to this application.
11. The description of works in the notice of intention is:
  1. Rigging from roof level, by using industrial rope access IRATA methods to carry out repairs.
  2. To repair, replace and adhere roof tiles and make the roof water tight
  3. Replacing or repositioning the slipped tiles
  4. A survey to the rest of the roof tiles will be carried out to assess potential roof tiles that appear to be unsteady.
  5. Using roof adhesive, these tiles will be given more stability until a permanent repair is done.
  6. Carry out a test to confirm the roof is watertight.
12. There has been no suggestion from any Respondent that the work is not necessary and/or ought to have been the subject of full statutory consultation. No evidence has been put forward of prejudice to the tenants or other grounds on which the tribunal ought to consider refusing the application or granting it on terms.
13. On balance, there is sufficient evidence before the tribunal of the necessity to carry out the work urgently. Completion of the statutory consultation process will result in further delay to their commencement. In all of the circumstances, and in light of the absence of objection, the tribunal considers it reasonable to grant the

application for dispensation from statutory consultation in respect of the works.

**14. This decision does not affect the tribunal's jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable and payable cost of the work, should this be disputed by any leaseholder.**

**Name:** F Dickie

**Date:** 5 October 2017