



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

**Case Reference** : **LON/00AY/LDC/2018/0041**

**Property** : **21 Streatham Common North,  
London, SW16 3HJ**

**Applicant** : **21 SCN RTM COMPANY LTD**

**Representative** : **RINGLEY LAW**

**Respondent** : **THE LEASEHOLDERS OF THE  
PROPERTY AS LISTED IN THE  
SCHEDULE ATTACHED TO THE  
APPLICATION**

**Representative** :

**Date of Receipt of  
Application** : **21<sup>st</sup> February 2018**

**Date of Directions** : **22<sup>nd</sup> February 2018**

**Tribunal Members** : **Judge Shaw  
Mr K Ridgeway MRICS**

**Date of Decision** : **26<sup>th</sup> March 2018**

## DECISION

### Introduction

- (1) This case involves an Application received on 21<sup>st</sup> February 2018, and made pursuant to the provisions of section 20ZA of the Landlord and Tenant Act 1985 (“the Act”). The Application is made by 21 SCN RTM Company Limited (“the Applicant”) in respect of the property situate and known as 21 Streatham Common North, London, SW16 3HJ (“the Property”). The property is a purpose built block of 17 flats. The Respondents are the leaseholders listed in the schedule attached to the application, some if not all of whom are also presumably officers and/or shareholders of the Applicant RTM company. The Application is for an Order from the Tribunal, made pursuant to the above statutory provisions, for a determination dispensing with all or any of the consultation requirements in relation to works required to be carried out to the flat roof at the property. Those works are detailed in the application, but are essentially required because the roof is covered in moss and is completely saturated, which has lead to leakage into and cracking of the flat below. There are health and safety issues raised by the high humidity level created and toxic mould which is accumulating.
- (2) Directions were given swiftly after the issuing of the Application by the Tribunal on 22<sup>nd</sup> February 2018. Part of those Directions required the Applicant to prepare a bundle of documents, and send copies to the Tribunal, and the Respondents, requesting them to indicate whether they objected to the order sought, and/or whether they required an oral hearing. There has been no request for an oral hearing and no objection received, therefore this application is proceeding as a Paper Determination.
- (3) Given that the application for dispensation is not opposed (indeed the works seem to have been urgently requested by leaseholders), it is not necessary to go into the facts in any detail. Suffice it to say that the

photographs submitted with the application support the narrative SET OUT ABOVE. The roof is indeed covered in moss and there is evidence of leakage and cracking below, which the Tribunal accepts on the evidence before it, creates a health and safety risk. An estimate for the cost of the works has been obtained and seen by the Respondents.

- (4) The Tribunal is satisfied that these works are urgently required, without a need for the full consultation process to proceed, and accordingly the Tribunal makes the Order requested, dispensing with the statutory consultation requirements.

### **Decision**

- (5) For the reasons indicated above, the Tribunal is satisfied that this work is sufficiently urgent to justify dispensation being granted pursuant to the Act and to enable these works to continue. It should be stressed and understood that the Tribunal is making no finding in the context of this dispensation order as to the reasonableness of these works either generally or specifically in relation to their cost. It is an order given exclusively in respect of the consultation requirements, and it is entirely open to the Respondents to revert to the Tribunal for a further determination, if so required, as to reasonableness and payability pursuant to the provisions of section 27A.

### **Conclusion**

- (6) For the reasons indicated above, the Tribunal grants the Application made in this case, and dispenses with the consultation requirements of section 20 of the Landlord and Tenant Act 1985 insofar as they relate to the works identified in the Application. As already indicated above, such dispensation does not in any way preclude any further application under section 27A on the part of the Respondents, if so advised.