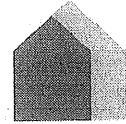


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LONDON RENT ASSESSMENT PANEL-

**DECISION ON AN APPLICATION UNDER SECTION 20ZA LANDLORD  
AND TENANT ACT 1985**

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**Ref: LON/00BB/LDC/2012/0118**

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**Property:** 283 Romford Road, London E7 9HJ

**Applicant:** Pritam Singh

**Respondents:** Antonia Okonma (Flat A), Ragae Exander (Flat B),  
Marylou Lambros (Flat C) and Mikael Baley (Flat D)

**Determination date:** 28<sup>th</sup> November 2012

**Tribunal:** Mr P Korn  
Mr P Tobin FRICS MCI Arb

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**BACKGROUND**

1. The Applicant is the Respondents' landlord at the Property. The Property comprises a semi-detached town house converted into 4 flats, all held on long leases.
2. On 18<sup>th</sup> October 2012 the Tribunal received an application from the Applicant seeking dispensation from certain of the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 (as amended) ("**the Act**") in respect of certain qualifying works.
3. Directions were issued on 19<sup>th</sup> October 2012, and the Procedural Chairman determined that the application should be dealt with by the Tribunal on the basis of the papers alone (i.e. without an oral hearing) unless any party required the matter to be decided in a hearing. No request for a hearing has been received and therefore the application is being determined on the papers alone.

## THE APPLICANT'S CASE

4. The Applicant states that its managing agents, Hexagon Property Co Ltd (“Hexagon”), took over management of the Property on 4<sup>th</sup> October 2012. A site survey was conducted by GH Chartered Surveyors which – the Applicant states – raised certain issues including the need for roof repairs.
5. The Applicant submits that it is apparent from the survey that the roof requires attention. The Applicant also wishes to carry out works to the internal common areas and to the rear communal garden and to re-point the exterior, but the application for dispensation is only for the roof works as – in the Applicant’s view – this element of the works requires urgent attention.
6. Hexagon state that they were contacted by Mr Lambros in February 2012. They describe him as the leaseholder of Flat B but he would seem to be the leaseholder of Flat C. He apparently reported a roof leak and then in August 2012 asked for the roof to be repaired urgently as his flat had become uninhabitable.
7. Stage 1 Section 20 notices were then sent by Hexagon to all of the Respondents on 10<sup>th</sup> October 2012 stating that certain works needed to be carried out and inviting them to inspect the details of the proposed works at their offices. Mr Lambros then apparently called Hexagon’s offices to say that he had received a cheaper quote of £1,800 for the roof works from JAS Roofing Ltd. Hexagon state that the roof repairs have now been carried out.
8. The Applicant has provided the Tribunal with a copy of the site survey report produced by GH Chartered Surveyors.

## RESPONDENTS’ RESPONSES

9. Mr Lambros, the leaseholder of Flat C, has written to the Tribunal in support of the application. He has also stated that he would send in written representations in relation to the application by 14<sup>th</sup> November, but no such representations have been received.
10. No response has been received from the other leaseholders. The Tribunal assumes, in the absence of evidence to the contrary, that they have each received a copy of the application, but it has not received positive confirmation that they have done so.

## THE LAW

11. Under Section 20(1) of the Act, in relation to any qualifying works “*the relevant contributions of tenants are limited ... unless the consultation requirements have been either (a) complied with ... or (b) dispensed with ... by ... a leasehold valuation tribunal*”.

12. Under Section 20ZA(1) of the Act “where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements”.

#### APPLICATION OF FACTS TO LAW

13. In the application (dated 16<sup>th</sup> October 2012), the Applicant states that the roof works have not yet been carried out, and yet in his sworn statement dated 2<sup>nd</sup> November 2012 Mr Ali of Hexagon states that the roof works **have** been carried. It is possible that the works were carried out between these two dates, but either way this is in fact an application for **retrospective** dispensation for works already carried out, contrary to the impression given by the application.
14. The Tribunal notes that the Applicant has gone through at least part of the consultation process, albeit that simply inviting the Respondents to inspect details of the works at Hexagon’s offices, particularly when the Applicant either knows or must strongly suspect that most of the Respondents do not live locally, is not very helpful. It is hard to see why the Applicant could not at least have provided a basic summary of the proposed works.
15. As regards Mr Ali’s written statement, the Tribunal notes that Hexagon commenced managing the Property on 4<sup>th</sup> October 2012 and yet he states that “we” were contacted by Mr Lambros in February 2012 (he also mistakenly describes Mr Lambros as the leaseholder of Flat B). He goes on to state that Mr Lambros informed “us” in August 2012 that he intended to move back into his flat. It may be that by “we” and “us” he actually means the Applicant, but he should have been more careful in compiling this statement, given that it contains a signed ‘Statement of Truth’.
16. Mr Ali also states that Mr Lambros told Hexagon that he had received a cheaper quote for the roof repairs of £1,800 and then goes on to state that the roof repairs have now been carried out. It is unclear whether the Applicant decided to go with Mr Lambros’ contractor and, if not, how much the roof repairs ended up costing. The Tribunal has seen no formal specification nor even any summary of the roof repairs intended to be carried out or actually carried out. The Tribunal does not therefore even really know what it is being asked to give dispensation for.
17. Turning to the site survey report, this report does not seem to the Tribunal to constitute proof of the point or points that the Applicant is seeking to make. The Applicant appears to be arguing that certain roof works were urgently required such that there was insufficient time to go through the full consultation process. However, the section of the

report dealing with the roof does not identify anything that requires urgent attention and the section of the report entitled 'Immediate Repairs' (insofar as it relates to the roof) refers just to "minor overhaul of roof and instruct specialist roofing contractor to investigate and provide details on flat roof sections" and "renew flashing details to lower roof levels over rear projections". Are these the works which the Applicant has carried out and considers too urgent to allow for full consultation? The Applicant has not clarified this point and, on the basis of the evidence provided, the Tribunal does not consider that the Applicant has demonstrated (a) that the works for which dispensation has been requested are sufficiently urgent (or that there is some other reason) to justify giving dispensation or (b) even what works are the subject of this application.

18. There is some evidence that the leaseholder of Flat C at some point had concerns about water penetration which may or may not be as a result of problems with the roof, and it may be that the works for which dispensation has been requested have remedied (or could reasonably have been expected to remedy) this problem, but this is speculation, and it is for the Applicant to provide proper evidence in order to persuade the Tribunal to exercise its discretion to grant dispensation.

#### DETERMINATION

19. Accordingly, the Tribunal hereby determines **not** to dispense with those of the consultation requirements not yet complied with in relation to the works which are the subject of this application.
20. For the avoidance of doubt, this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness or otherwise of the cost of the works.
21. No cost applications have been made.

Chairman:  P Korn

Dated: 28<sup>th</sup> November 2012