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

Case Reference : LON/OOAP/LDC/2013/0076

Property : 284 -288 Muswell Hill Broadway
London N10 2QR

Applicant : Lower Muswell Hill Limited

Representative : Metrus Property Advisers Limited

Respondent : Mr A Karamiditris and Ms A
Karadimitriou (First Floor flat)
Mr O R Hrrington and Ms M E
Lloyd (Second Floor flat)

Representative : Not Appearing

Type of Application : To dispense with consultation
requirements

Tribunal Members : Judge P Leighton LLB
Mr A Lewicki

Date and venue of PTR : 10 Alfred Place, London WC1E 7LR

Date of Decision : 21st August 2013

DECISION

- 8 As a result the applicant made the application to the tribunal on 5th August 2013 and an urgent hearing was fixed
- 9 Ms Wright reported that a meeting had taken place on site on 20th August 2013 with both leaseholders and the contractor present and that both leaseholders had indicated that they were anxious for the works to proceed as quickly as possible. A slight complication is the fact that further works of repair are needed to be carried out to the roof for which the tenant of the top floor flat Mr Herrington is solely liable. However Ms Wright informed the tribunal that Mr Herrington was content to liaise with the contractor and to obtain a quotation from him and then to decide whether he wished to obtain a quotation from a different contractor but to make use of the scaffolding provided by Capricorn.
- 10 Although the tribunal has not seen the relevant leases it is understood that the commercial premises will be contributing 50 percent of the cost of the works and that each of the flats above will contribute 25 percent This is understood by the tenants and they have no objection to the work proceeding on that basis.
- 11 The lowest quote obtained from Capricorn builders who according to Ms Wright are reputable builders whom Metrus have used on previous occasions on other properties and are expected to undertake the works in a competent and reliable fashion. This appears also to be acceptable to the leaseholders.

The Tribunal's Decision

- 12 The tribunal is not concerned with the ultimate costs of the work but it would appear that if the applicant had to go through all the procedural requirements under the consultation regulations that the delay would give rise to a possible risk of danger. In the circumstances it seems entirely reasonable to the tribunal that dispensation from the requirements of the consultation regulations should be granted to enable the works to proceed immediately and the tribunal orders accordingly.

Chairman Judge Peter Leighton

Date 21st August 2013