

10398



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

**Case Reference** : LON/00BJ/LDC/2014/0141

**Property** : Alexander Studios, Haydon Way,  
London, SW11 1YF

**Applicant** : Alexander Studios Management Limited

**Representative** : London Block Management Limited

**Respondents** : The 20 Lessees specified in the Schedule  
annexed to the application

**Type of Application** : Dispensation with Consultation  
Requirements

**Tribunal Members** : Judge Robert Latham

**Date and venue of  
Hearing** : 18 November 2014  
at 10 Alfred Place, London WC1E 7LR

**Date of Decision** : 18 November 2014

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**DECISION**

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The Tribunal determines to allow this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

## **The Application**

1. By an application dated 17 October 2014, the Applicant seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 ("the Act"). The application involves 20 leaseholders at Alexandra Studios, Haydon Way, London SW11 1YF. A schedule of these leaseholders is annexed to the application.
2. The Applicant contends that urgent repairs are required to address an extreme danger to public safety. On about 1 August, a large piece of masonry fell down from the turret to the ground. Had it hit a resident, visitor or child playing in the vicinity, it could have proved fatal. This caused the landlord to inspect the turret. A surveyor has reported that the stone corbels on the top of the turret are extremely cracked and unstable. Urgent works are required. Scaffolding is currently in place to assist the falling debris.
3. On 16 October, the landlord served a Notice of Intention on the leaseholders. The specified deadline for responses is 17 November.
4. The landlord has provided the Tribunal with quotations for the works:
  - (i) Concept Building Services have provided a quote of £8,662 + VAT;
  - (ii) Carringtons have quoted of £13,568;
  - (iii) Ghosco Ltd have quoted of £18,494.
5. The only issue for this Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.
6. On 24 October, this Tribunal gave directions.
7. The Applicant was required to supply a copy of the Directions to each leaseholder within three days and to fix a copy of them in the entrance hall to each block. By a letter dated 24 October, the Respondent has confirmed that a copy of the Directions has been sent both by post and e-mail to each leaseholder. Mr Buxton stated that there are no internal areas to any block where a copy could be displayed.

8. Any Respondent who opposed the application was directed to return a form which was attached to the Directions by no later than 31 October. No leaseholder has done so.
9. The Applicant has filed a Bundle of Documents. The Applicant describes how a Director of the their Company first reported the fallen masonry on 1 August 2014. A contractor was immediately sent to assess the damage and carry out a risk assessment. A safety cordon was erected with appropriate signage. On 8 August, a scaffolding tower was erected. This led to the inspection, the service of the Notice of Intention and to the tendering exercise. The Notice of Intention was served on the same day that this application was made to the Tribunal. The leaseholders were invited to attend the offices of the Applicant Company to inspect the full schedule of works that are proposed. There is no evidence that any leaseholder has any concerns about the works that are proposed. No one has questioned the urgency of the situation.
10. 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.”
11. Having regard to the papers before us, the Tribunal is satisfied that it is reasonable to grant dispensation from the consultation requirements. This is justified by the urgent need for the works. The Applicant has taken reasonable steps to bring their proposed action to the attention of the leaseholders. No leaseholder has questioned the need for the works or the urgency of the situation. To insist that the Applicant follow the strict requirements of the statutory consultation procedure will only cause unnecessary delay and put the public at risk. No Respondent have suggested that s/he would be caused any prejudice were the tribunal to grant this application.

Robert Latham

Tribunal Judge

18 November 2014