



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

**Case reference** : **LON/00AZ/LDC/2015/0080**

**Property** : **26 Montagu Avenue London SE4  
1YP**

**Applicant** : **Southern Land securities**

**Representative** : **Hamilton King Management Ltd**  
**Mr Russell Elleswei & Ms Fiona  
Scott-Melon**

**Respondent  
leaseholders** : **Mr E Pearce & Miss M Macdonald  
Mr Andre Astbury-Palmer & Miss  
Emma Plunkett  
Mr Ray Broderick**

**Representative** : **-**

**Type of application** : **To dispense with the consultation  
requirements under S.20 Landlord  
and Tenant Act 1985**

**Tribunal member(s)** : **Mrs E Flint DMS FRICS**

**Date of decision** : **19 August 2015**

---

**DECISION**

---

### **Decisions of the tribunal**

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the works to the roof space and internal common parts.
- (2) The lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

### **Reasons for the Decision**

- (3) The Tribunal determines from the evidence before it that the works to the roof space, parapet wall, fascia and internal common parts were necessary to prevent further water ingress and consequential damage.

### **The Background**

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the agents on behalf of the applicants on 13 July 2015.
2. The application defects to the rear elevation of the main roof where a significant gap between the slope of the roof and the parapet wall had resulted in water penetration. Both the timber fascia and sections of the parapet wall had begun to decay. As a result there were areas of spalling of wall plaster and water staining in the internal common parts.
3. As insurance claim was made however following an inspection it was accept that the damage was not as a consequence of any insured risk.
4. Notice of Intention was raised on 19 March 2015 in accordance with Section 20. Works were subsequently undertaken at a cost of £3,450 + VAT which included the cost of a 5 storey tower.
5. No responses were received from any of the leaseholders following service of the Notice.
6. Directions were issued on 17 July 2015 requiring the applicant to prepare bundles by 10 August to include statements
  - (i) setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants.;

7. The Leaseholders were asked to confirm by 3 August 2015 whether or not they would give their consent to the application. In the event that such agreement was not forthcoming the leaseholders were to state
  - (i) Why they opposed the application; and provide copies of all documents to be relied upon.
8. No responses were received from the leaseholders.
9. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine that the application for dispensation be granted.



**Name:** Evelyn Flint

**Date:** 18 August 2015