



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

Case Reference : **CHI/00MW/LDC/2014/0002**

Property : **10/10A Argyll Street, Ryde, Isle of Wight, PO33 3BZ**

Applicant : **Julie Wright**

Representative :

Respondent : **Brian John Cook, Roy Julian William Cook, Dorothy Elizabeth May Cook**

Representative :

Type of Application : **To dispense with the requirement to consult lessees about major works**

Tribunal Members : **Judge Tildesley OBE**

Date of Decision : **11 February 2014**

DECISION

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Introduction

1. On 21 January 2014 the Applicant sought dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant wished to carry out urgent works to prevent penetration of water through a skylight and flat roof which was causing damage to new plaster work.
3. The Tribunal considered that the Application was urgent and fixed a hearing date on 13 February 2014.
4. Following the issue of directions on 24 January 2014, the Respondents sought legal advice and returned a signed form indicating they supported the application for dispensation from full consultation.
5. In view of the Respondents' prompt response the Tribunal cancelled the hearing on 13 February 2014. The Tribunal directed the application be determined on the papers subject to any objection in writing from a party by no later than 10am on 7 February 2014. No objection was received.

Determination

6. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. This application is not concerned with the reasonableness and or payability of the charges in connection with the works.
7. The Applicant has supplied a specification for the urgent works which is attached to her letter of 4 February 2014. On the face of it the specification appears to meet the problem of water penetration.
8. The Respondents agree with the application for dispensation of the consultation requirements in respect of urgent works to prevent the penetration of water through the skylight and the flat roof.
9. The Tribunal, therefore, grants the application for dispensation.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking