



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

Case Reference : **LON/00AU/LDC/2014/0046**

Property : **Flats 1 & 2 Green Man Tower, 332
Goswell Road, London EC1V 7LQ**

Applicants : **Green Man Tower Limited**

Representative : **N/A**

Respondent : **Mr S Arnell & Ms K Revitt (Flat 1),
Mrs P Serruya (Flat 2), Mr A K Ma
(Flat 3), Mrs E Marsh (Flat 4).**

Representative : **N/A**

Type of Application : **Dispensation pursuant to S20ZA**

Tribunal Members : **Judge Tagliavini
Mr F Coffey
Mrs L West**

**Date and venue of
hearing** : **10 Alfred Place, London WC1E 7LR
6 June 2014**

Date of Decision: : **17 June 2014**

DECISION

The Tribunal's decision and reasons

1. The Tribunal determines that it is appropriate to dispense with some or all of the requirements of the section 20 of the Landlord and Tenant Act 1985 consultation procedures.

The application

2. This is an application for dispensation of the requirement to serve notices pursuant to section 20 in respect of a major works programme to treat and eradicate suspected dry rot problem with the required works being carried out in 2009.

The hearing

3. The parties agreed that this application could be determined on the papers. The Tribunal was provided with bundles for the determination by the Applicants and Ms Revitt and Mr Arnell.

The background

4. The premises comprise a mixed commercial and residential property comprising basement and ground floor rental units, first floor offices with four residential flats let on long leases above on the second and third floors.
5. In 2008 initial notices were sent to the leaseholders setting out an intention to carry out works for the eradication of dry rot and a specification was prepared accordingly. However, a further inspection revealed there was no dry rot and a revised specification was drawn up incorporating many of the original planned works together with other elements identified as part of a planned preventative maintenance plan. Additional works were subsequently required including repairs to a flat roof over the ground floor level to prevent the ingress of water. Although no further notices were served, a fresh specification was drawn up and tendered to contractors. The lowest estimates from Chestnut Limited (nominated by a lessee) were accepted and the gross cost of the works including professional fees including VAT amounted to £34,126.83.

The issues

6. The lessees of Flats 1 and 2 actively opposed the application for dispensation. Mr Ma of Flat 3 indicated his opposition but sent in no written statement. Mrs Marsh of Flat 4 indicated her support of the landlord's application. Ms Revitt and Mr Arnell stated that the section 20 procedures had not been complied with and that the works carried

out had not been urgent and queried the apparent unreliability of the landlord's documents as some appeared unsigned or missing.

The Tribunal's decision and reasons

7. In making its decision the Tribunal is satisfied that the lessees were aware of the intended works and note that none of the lessees have been able to substantiate their claim of "prejudice" having been caused to them as a result of the works being carried out. More specifically, the lessees have not shown that, but for the consultation flaws, the works in question could have been carried out at the same standard but for a lesser sum or to a better standard. Therefore, Tribunal is of the opinion that it is appropriate to give permission for dispensation from the requirements of section 20. Further, the Tribunal finds that the costs incurred in relation to these works were appropriate.
8. Therefore, the Tribunal grants the Applicant dispensation from consultation pursuant to section 20ZA of the Landlord and Tenant Act 1985.

Signed: Judge Tagliavini

Date: 17 June 2014