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

Case Reference : **LON/00AW/LDC/2014/0159**

Property : **52 South Edwardes Square,
Kensington London W8 6HP**

Applicant : **52 South Edwardes Square Limited
(the landlord)**

Representative : **Mr Lamba of Michael Richards &
Co, managing agents
Mr Bassett, director of the
Applicant and leaseholder of Flat 3**

Respondents : **Mr Andry (Flat 1)
Baron Properties (London) Ltd
(Flat 2)
Mr PJ Bassett (Flat 3)
Ms Lloyd & Mr Sumption (Flat 4)
Mr & Ms Hunter (Flat 5)
Mr & Mrs Hunter (Flat 6)
Mr Pataudi (Flat 7)
Mr & Mrs Hunter (Flat 8)**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Judge O'Sullivan**

Date of Decision : **14 January 2015**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a block of purpose built flats with a total of 8 units built in the 1900s which is known as 52 South Edwardes Square, Kensington London W8 6HP (the “Property”) and the application is made against the various leaseholders in the schedule attached to the application form (the “Respondents”). The landlord is a leasehold management company.
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of qualifying works to repair the main roof at the Property. Due to the urgent nature of the works they had already been carried out at the date of the application.

The background

4. The application was dated 2 December 2014. Directions were made dated 10 December 2014 which provided for the Applicant to serve a copy of the directions on all Respondents and for them to indicate whether they consented to the application. If the application was disputed provision was made for any Respondent to serve a statement in reply. Mr Lamba confirmed for the Applicant by email dated 19 December 2014 that the application, directions and accompanying documents had been served on the leaseholders and posted in the communal hallway.
5. The directions provided that this matter would be considered by way of a short hearing which took place on 14 January 2015. The Applicant was represented by Mr Lamba of the managing agents and Mr Bassett, director of the Applicant and leaseholder of Flat 3. None of the other leaseholders attended.
6. The Tribunal did not consider that an inspection was necessary given the works had been carried out, nor would it have been proportionate to the issues in dispute.

7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant's case

8. The Applicant had filed a bundle in accordance with the directions.
9. The Property was said to have suffered from a leak which was identified whilst completing redecoration work. It was inspected by a surveyor on 22 October 2014 who identified that certain areas of the flat roof had shrunk and cracked allowing for water to penetrate during heavy rainfall into Flats 7 and 8. Photographs of the cracking were shown to the tribunal. The works took place in mid November 2014 to coincide with planned clearing of the gutters for which scaffolding was erected. It was estimated originally that the work would cost in the region of £6,000. However the managing agents then sought a further quotation and the works were in fact carried out by Wright Builders in mid November 2014 at a cost of £2,250 plus Vat. The leaseholders were informed of the problem with the roof by letter dated 5 November and were subsequently provided with copies of the estimates.
10. The tribunal was provided with correspondence from the tenants of Flats 7 and 8 which confirmed that they had suffered no further water ingress following the repairs.

The Respondents' position

11. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.
12. It should be noted that the leaseholders of Flats 3, 4, 5, 6, 7 and 8 had completed the form/responded by emails and indicated that they supported the application.

The Tribunal's decision

13. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the repair works to the roof outlined above.

Reasons for the Tribunal's decision

14. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
15. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
16. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Application under s.20C

17. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 14 January 2015