



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

- Case Reference** : CHI/29UN/LDC/2016/0020

- Property** : Flats 1-6 Blake Court, 171 High Street,
Ramsgate, Kent CT11 9TS
Flats 7-12 Collingwood Court, Belmont
Road, Ramsgate, Kent CT11 7QQ

- Applicant** : Collingwood & Blake Court Residents
Association Limited

- Representative** : Cockett Henderson, Letting Agents and
Chartered Surveyors

- Respondents** : Mr Allan Flat 1 Blake Court
Mr and Mrs Pearce Flats 2 & 5 Blake Court
Mrs Williams Flat 3 Blake Court
Mr and Mrs Browning Flat 4 Blake Court
Mrs & Mrs Box Flat 5 Blake Court
Mr & Mrs Flegg Flats 7,9, 10 & 12
Collingwood Court
Mr J P Ramos Flat 8 Collingwood Court
Miss Cominos Flat 11 Collingwood Court.

- Type of Application** : Dispensation with Consultation
Requirements

- Tribunal Member(s)** : Judge Tildesley OBE

- Date and Venue of
Hearing** : Determination on Papers

- Date of Decision** : 25 July 2016

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985. The Application was dated 28 April 2016.
2. The properties comprise two purpose built buildings containing 12 flats in total.
3. The flat roofs on each building are in urgent need of replacement because of storm damage. Temporary repairs were made but the roof is still leaking.
4. The Applicant wrote to the leaseholders on 26 April 2006 advising them of the need to replace the flat roofs with like-to-like coverings together with details of quotations from three contractors.
5. The Tribunal understands that Meridian Membranes which provided the lowest quotation have been selected as the preferred contractor. The Tribunal further understands that the leaseholders have paid their individual contributions towards the costs of replacing the flat roofs.
6. The Tribunal directed that the application be dealt with on the papers, and asked the leaseholders to indicate whether they consented to the application.
7. On 8 July 2016 the Applicant supplied the Tribunal with signed consent forms from each leaseholder consenting to the application for dispensation.

Decision

8. The Tribunal is satisfied from the application that the replacement of the flat roofs with like-to-like coverings is necessary and urgent. Further each leaseholder has consented to the Application. **In those circumstances the Tribunal dispenses with the consultation requirements in respect of the works replacing the flat roofs to the properties and more particularly described in the application and accompanying documents.**
9. This decision is confined to the dispensation from the consultation requirements in respect of the works replacing the flat roofs. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

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.