



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

Case reference : **LON/00AZ/LDC/2020/0184**

**HMCTS code
(paper, video,
audio)** : **P: PAPER REMOTE**

Property : **118 Burnt Ash Road, London SE12 8PU**

Applicant : **Olron Estates (Lewisham) Limited**

Respondent : **Olron Estates (Lee) Ltd
Christopher Smith
Idera Estates Limited**

Type of application : **Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985**

Tribunal member : **Judge Robert Latham**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **9 March 2021**

DECISION

The Tribunal grants this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of the works to the roof which roof repairs which have been executed.

Covid-19 pandemic: description of hearing

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The applicant has filed a bundle in support of the application.

The Application

1. The Tribunal has received an application from Olron Estates (Lewisham) Limited (“the applicant”), dated 8 October 2020, seeking retrospective dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 (“the Act”).
2. The property at 118 Burnt Ash Road, London SE12 8PU is a three storey building with a basement, arranged as ground floor shop, an upper two storey flat and a basement flat.
3. In January 2020, a new commercial tenant moved into the ground floor shop unit and commenced an internal renovation. The ceiling of the rear ground floor extension was identified as bowing. This was originally thought to be due to water damage. When the ceiling was removed, it became clear the whole original concrete roof of the structure had slipped due to decay of the supports and had been partially supported by the internal ceiling. This was not originally detected as a second flat roof had been installed at some point above the original concrete roof at parapet level fully concealing it. The concrete roof was deemed so unstable that it could have collapsed without warning and was therefore too dangerous for anyone to be in this area. The work to stabilise the roof had to be completed urgently so two quotes were obtained for the work, one from the contractor carrying out the internal renovation (£5,100) and one from a well-respected local firm (£3,420). The latter of these was received on 27 February 2020. After considering the quotations, the applicant chose the local firm who had tendered the lower quote. Work began on 7 March and was completed by 10 March 2020.
4. On 18 December 2020, the Tribunal issued Directions. These were amended on 27 January 2021. The Tribunal stated that it would determine the application on the papers, unless any party requested an oral hearing. By 1 February, the applicant was directed to send to each of the leaseholders by email, hand delivery or posting through the respondent’s letter boxes a copy of the application form and the directions. The applicant has confirmed that it has complied with this Direction.

5. By 15 February, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and email it both to the Tribunal and to the applicant. The leaseholder was further directed to send the applicant a statement in response to the application. No leaseholder has returned a completed Reply Form. No party requested an oral hearing.
6. On 3 March, the applicant emailed the tribunal a bundle of documents in support of their application. The applicant confirmed that it had not received any objections from the leaseholders. The bundle includes copies of the leases in respect of Flats 118A, 118B and the Ground Floor.
7. Section 20ZA (1) of the Act provides:

“Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”
8. The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.
9. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
10. The Directions made provision for the service of the Tribunal’s decision. The Tribunal will send, by email, a copy of its decision to the applicant. The Tribunal directs the applicant to send copies to the leaseholders.

Judge Robert Latham
9 March 2021

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made **by e-mail** to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).