



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

Case reference : **LON/00BG/LDC/2022/0057**

**HMCTS code
(paper, video,
audio)** : **P: PAPERREMOTE.**

Property : **40 East India Dock Road, London E14
6JJ.**

Applicant : **Adriatic Land 8 Limited.**

Representative : **D&GBM – Cherele Cato – Property
Manager.**

Freeholder : **Adriatic Land 89 Limited (Homeground
Management Ltd)**

Respondent : **The leaseholders as per the application.**

Representative : **In person.**

Type of application : **Application for dispensation under
S.20ZA of the Landlord and Tenant Act
1985**

Tribunal members : **Ms. A. Hamilton-Farey
Mr. S. Mason
Ms. J. Gittus**

Venue : **Remote.**

Date of decision : **20 June 2022.**

DECISION

Covid-19 pandemic: description of hearing.

This has been a remote determination on the papers, which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because it was not practicable, and all issues could be determined on the papers. The documents that the tribunal was referred to are in a bundle of 47 pages, the contents of which have been noted.

Decisions of the tribunal

- (1) The tribunal grants dispensation from the requirements to consult leaseholders in respect of the works to the main roof front and rear elevations and the front cornice projection as per the application.

The application

1. The Applicant seeks a determination pursuant to s.20za of the Landlord and Tenant Act 1985 (“the 1985 Act”) in relation to qualifying works involving the main roof and front cornice projection. A Notice of Intention was issued on 2 October 2020 with a statement of estimates issued on 18 November 2021. A letter dated 26 January 2022 to update leaseholders of additional costs was also sent, together with a further Notice of Intention issued on 16 February 2022.
2. The applicant says that the works were urgently required to prevent water ingress into the building. When scaffolding was in place, it was discovered that the roof was in poor condition and the front cornice required replacement. The applicant further says that having scaffolding in place, with the required license, meant that the works could be dealt with quickly without unnecessary costs being incurred if the scaffold was struck and then re-erected. It was also necessary to proceed with the works to prevent further damage. Photographs have been provided in the bundle which appear to support the application.
3. The tribunal issued directions on 29 April 2022 that required those respondents who opposed the application to provide their statement of case to the tribunal and the applicant by 26 May. The tribunal directed that this matter be dealt with on the papers during the week commencing 20 June 2022.
4. There does not appear to have been any response from the leaseholders who oppose the application.

Reasons:

5. The tribunal is satisfied that the works to prevent water ingress into the building were required urgently, and that the landlord had consulted for

the initial works and then commenced consultation again when the new prices were known.

6. The tribunal is also satisfied that it was reasonable for the landlord to take into account the costs of striking and re-erecting scaffolding if works were delayed while consultation took place.
7. The respondent leaseholders have not objected to the application and in the circumstances the tribunal exercises its discretion and grants dispensation from the requirements to consult.

Name: Aileen Hamilton-Farey

Date: 20 June 2022.

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 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).