



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

Case reference : **LON/00AN/LDC/2014/0038**

Property : **91 Hammersmith Grove,
Hammersmith W6 ONQ**

Applicant : **Andombe Estates Ltd**

Representative : **Hamilton King Management Ltd**

Respondents : **The leaseholders as per the
schedule attached to the
application**

Representative : **None**

Type of application : **To dispense with the requirement
to consult lessees about major
works**

Tribunal members : **Mr L Rahman (Barrister)
Mr Cairns MCIEH**

**Date and venue of
hearing** : **29.4.14 at 10 Alfred Place, London
WC1E 7LR**

Date of decision : **29.4.14**

DECISION

Decision of the Tribunal

- (1) The Tribunal determines it is reasonable to dispense with the relevant consultation requirements.

The application

1. An application has been made under s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for a determination that all or any of the consultation requirements in relation to works to be undertaken by the Applicant may be dispensed with if the Tribunal was satisfied it was reasonable to dispense with such requirements.
2. The Applicant confirmed it was happy for the application to be dealt with on paper if the Tribunal thought it appropriate. There was a Pre Trial Review on 12.3.14. The Tribunal considered that if none of the Respondents requested an oral hearing then it would be appropriate for the application to be dealt with in this manner (without a hearing). None of the parties requested an oral hearing so the matter was listed to be dealt with on paper.

The background

3. The property which is the subject of this application is a 1900's converted five storey terraced property containing four leasehold flats.
4. The works ("the Works") for which the Applicant sought a dispensation of the consultation requirements were as follows:
 - (i) Urgent water ingress repair works which includes the supply of Acro props with shoes and inserted into the wall to support while work is carried out.
 - (ii) Remove sections of the brickwork to access the joints on the communal pipe-work from the box guttering to the hopper.
 - (iii) Rebuild brickwork to match once the repairs have been carried out.
5. The Respondents would each be responsible for the proportion required under the terms of their leases.

The Applicant's case

6. The Applicant states the second floor is suffering from water ingress through the landing and ceiling adjacent to the rear wall. The residents advised this occurs during periods of heavy rain. The Applicant became aware of the problem on 6.1.14. Contractors were appointed and attended

the site on various occasions as part of an ongoing investigation. Two quotes have been obtained, the lower of the two in the sum of £1,055 plus vat. Stage one section 20 Notices have been served (dated 27.2.14). The Applicant states water ingress is continuing, causing damage to the flat(s).

The Respondent's case

7. No representations have been received from the Respondents, nor any objection to the application, despite the Directions issued by the Tribunal at the Pre-Trial Review.

The Tribunal's decision

8. The Tribunal can only make a determination to dispense with the consultation procedure if it is satisfied that it is reasonable to do so. The purpose of the procedure under s.20 of the 1985 Act is to ensure that the long leaseholders do not suffer any prejudice when they are asked to pay for works that cost in excess of £250 per flat. The legislation recognises that there may be instances of urgency where the lengthy consultation process, designed to give the long leaseholders full information about the works and to enable them to make comments and propose a contractor to be asked to provide a quote, cannot be followed and that is the reason for the dispensation provisions under s.20ZA of the 1985 Act.
9. This is an unopposed application. The Applicant has attempted to comply with as much of the formal consultation requirements as possible but has not received any representations from the Respondents. The Tribunal finds the work is of an urgent nature and delaying the work would cause further significant damage.
10. The Tribunal is satisfied it is reasonable to dispense with the relevant consultation requirements contained in s.20 of the 1984 Act.
11. The dispensation of any or all of the requirements of s.20 of the 1985 Act does not indicate that the cost itself is reasonable or that the work / service is of a reasonable standard. The Respondents may, if they wish, make a subsequent application under s.27A of the 1985 Act, challenging either the need or quality of such works, the recoverability of the cost under the lease, or the level of the cost.

Chairman: L Rahman

Date: 29.4.14