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

Case reference : LON/00BG/LDC/2017/0041

Property : Carronade House, 121 Wapping High St,
London E1W 2NX

Applicant : The Carronade RTM Co Ltd

Representative : HML Andertons, managing agents

Respondent : Lessees of 21 flats

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

Tribunal : Judge Nicol

Date of decision : 26th June 2017

DECISION

The Tribunal has determined that the Applicant shall be granted dispensation from the statutory consultation requirements in relation to the works proposed to the roof.

Reasons

1. The Applicant is the lessee-owned right to manage company for the subject property, a 3-storey purpose-built block of 22 units with a pitched tiled roof. Water has begun to leak through the roof into at least one of the flats. The Tribunal was provided with the lease for one of the flats which, it is assumed, is standard and, under that lease, the Applicant is obliged to repair the roof and the lessees are each obliged to pay a proportionate share of the costs incurred.

2. The Applicant has identified that several ridge tiles and up to 10 roof slates need replacing. They obtained a quote from JFJ Langridge Ltd for £1,225 plus VAT for the roof work itself and £2,362.50 plus VAT for access, including a pavement licence and the suspension of two parking bays. At this price, the resulting service charges would be large enough to trigger the statutory consultation requirements under section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 for 7 of the 22 flats. However, the Applicant is concerned that the leak is too urgent for the full consultation process to be completed. On 12th April 2017 the Tribunal received their application for dispensation from the consultation requirements in accordance with section 20ZA of the Act.
3. The Applicant had not written to the lessees with the above information, instead waiting to see what the Tribunal would decide. This is not usually advisable. The closer an applicant adheres to the consultation process, the more likely the Tribunal is to grant dispensation.
4. In any event, the Tribunal made directions on 26th April 2017 requiring the Applicant to send to each lessee both the application and the directions, which they did. Three lessees responded, supporting the application, but, otherwise, none of the lessees have commented.
5. In accordance with the Supreme Court's decision in *Daejan Investments Ltd v Benson* [2013] 1 WLR 854, the primary issue when considering dispensation is whether any lessee would suffer any financial prejudice as a result of the lack of compliance with the full consultation process. Given the absence of any objections, it is impossible to identify any financial or other prejudice. The only evidence is that urgent repair works are required.
6. Given the lack of prejudice or objections, the Tribunal is satisfied that it is reasonable to dispense with the statutory consultation requirements.

Name: NK Nicol

Date: 26th June 2017