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

Case reference : **LON/00AL/LDC/2014/0119**

Property : **81 Shooters Hill Road, London SE3
7HU**

Applicant : **Southern Land Securities Limited**

Representative : **Hamilton King Management**

Respondent : **The lessees listed in the schedule to
the application**

Type of application : **To dispense with consultation
requirements under section 20 of
the Landlord and Tenant Act 1985**

Tribunal Judge : **Ms N. Hawkes**

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

Date of decision : **10th November 2014**

DECISION

Background

1. The applicant has applied to the Tribunal under S20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to 81 Shooters Hill Road, London SE3 7HU (“the property”).
2. The property comprises a brick built, semi-detached house constructed in the 1900s with four flats situated one on each floor from the basement to the second floor. The fabric of the building is brick with rendered plinths and a pitched slate roof.
3. This application is dated 10th September 2014 and it is made in relation to work which has been undertaken to the flat roof to the side elevation of the property.
4. Directions were issued by the Tribunal on 19th September 2014. The directions provide for this matter to be allocated to the paper track. Accordingly, the Tribunal has determined this application on the papers.
5. The applicant has provided the Tribunal with the following information.
6. The applicant states that dispensation from the statutory consultation requirements is needed for work which has already been carried out to replace the joists, furrings, fascia, gutters and the flat roof surface to the roof located to the left hand side flank elevation (as viewed from the front of the property).
7. The applicant became aware of the need to carry out this work after a scaffold had been erected for the purpose of undertaking a different major works project. The erection of the scaffold enabled an inspection of that the flat roof to the side elevation of the property to be undertaken.
8. The inspection was carried out by a surveyor employed by Lewis Berkeley Limited who informed the applicant that the roof surface had failed; that the joists supporting the flat surface had perished; and that the roof was in a dangerous state of repair. The applicant then instructed the contractors who were already on site to carry out the necessary remedial work.
9. The applicant states that it made commercial sense to use the scaffold which was already in place and the contractors who were already on site to carry out the work and that the work was urgently needed because water was penetrating into the common parts as a result of the defects.

10. None of the lessees have informed the Tribunal that they oppose the application.

The Tribunal's determination

11. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
12. Section 20ZA of the 1985 Act provides that where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
13. Having considered the application, the evidence in support and the lack of any opposition to this application on the part of the lessees, I accept that the applicant's account and I determine, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable in all the circumstances of this case to dispense with the statutory consultation requirements in respect of the work described in this application.
14. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**

Judge N Hawkes

Date 10th November 2014