



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

Case Reference : LON/00BK/LDC/2014/0027

Property : St. Andrews Mansions, Dorset Street, London W1U 4EQ

Applicant : St. Andrews Mansions (Dorset Street) Management Co Limited

Representative : Capital Property Management

Respondent : The Lessees of St. Andrews Mansions

Representative : None

Type of Application : To dispense with consultation requirements – section 20ZA Landlord and Tenant Act 1985

Tribunal Member : Judge John Hewitt

Date and venue of Determination : 3 April 2014
10 Alfred Place, London WC1E 7LR

Date of Decision : 4 April 2014

DECISION

Decision of the Tribunal

1. The Tribunal determines that the obligation on the Applicant to comply with the consultation requirements of section 20 Landlord and Tenant Act 1985 in relation to the additional roof works referred to in section 3 on page 7 of the application form dated 17 February 2014 shall be dispensed with.
2. The reasons for my decision are set out below.

Procedural background

3. On 19 February 2014 the Tribunal received an application made pursuant to section 20ZA of the Act. The Applicant requested that the application be determined on the papers and without an oral hearing.
4. Directions were given on 20 February 2014.

By Direction 6 the Applicant was directed to serve copies of the application form and the Directions on each Respondent and to confirm that it had done so. (This was confirmed by letter dated 24 February 2014).

Directions 7 and 9 made provision for any Respondent who wished to oppose the application to notify the Tribunal of that position and for the service of a statement of case.

5. The Parties were also notified that it was proposed to determine the application on the papers during week commencing 31 March 2014 and that if an oral hearing was requested a hearing would take place on 16 April 2014.
6. The Tribunal has not received any notifications that a Respondent wishes to oppose the application. The Tribunal has not received any requests for an oral hearing.

Factual background

7. The development known as St Andrews Mansions is a mansion block in central London comprising 31 residential units. Those units have been sold on long leases. The long lessees are members, of and control, the Applicant landlord company.
8. By notice dated 18 January 2013 the Applicant's agent, Capital Property Management (CPM) gave notice to lessees of an intention to carry out major works of repair to the roofs serving the main building.
9. By notices (2) dated 10 September 2013 CPM gave notice to lessees of details of three estimates received in connection with the proposed works. The notice also stated that no written observations were received in the consultation period provided for in the notice of intention. The estimates of the cost of works ranged from £73,042 to £114,245 + VAT in all cases.

10. By notice dated 20 December 2013 CPM gave notice to the lessees that a contract had been placed with Regan Services Limited, one of the companies which had submitted an estimate.
11. By notice dated 23 December 2013 CPM gave notice to the lessees that works were scheduled to commence on 13 January 2014 and went on to deal with a number of practical matters and gave relevant contact details.
12. It became apparent during the course of the works that below the asphalt roof of the main building there was another, much older, asphalt roof. Following further investigations and opening up of sections of the older roof it was found that some areas of the roof screed were in very poor condition and further remedial works were required. The contingency sum in the contract was considered insufficient to cover the costs of additional works, which the Applicant's building surveyor has estimated to cost £33,230 + VAT.
13. The Applicant was advised that it would not be cost effective to suspend works pending a further consultation exercise, but that a variation order should be placed in respect of the additional works and an application made pursuant to section 20ZA of the Act.
14. Evidently the costs of the original works and the additional works will be drawn from a reserve fund which stands just over £242,218.

Discussion

15. Section 20 of the Act and regulations made thereunder provide for a process of consultation with lessees where qualifying works are proposed and which may require a lessee to make a contribution in excess of the appropriate amount, currently £250.
16. Section 20ZA of the Act enables a party to make an application to this Tribunal for a determination to dispense with all or some of the consultation requirements. This Tribunal may do so if satisfied that it is reasonable to dispense with the requirements.
17. I am satisfied that it is reasonable to do so for several reasons.
18. The Applicant has complied fully with the consultation requirements for the main project. Opening up works have revealed that further and additional roof works are required. The further remedial works are arguably part and parcel of the one project and are not a separate scheme of works. The Applicant, which is controlled by the lessees, has been professionally advised throughout. I have no reason to doubt the correctness of that advice; indeed it strikes a chord as being the sensible way forward. The additional costs to be incurred are to be funded from the reserve fund. The lessees have been notified of this application and the Tribunal has not received any notification that any of them wish to oppose the application.

19. I have therefore made the determination sought by the Applicant. In doing so I should make clear that I make no determination on the reasonableness of the scope or estimated cost of the additional works and these are matters which may be challenged later by lessees should they wish to do so.

Judge John Hewitt
4 April 2014