

10743



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

**Case reference** : **LON/00Aw/LDC/2015/0040**

**Property** : **7 Courtfield Gardens London SW5  
0PA**

**Applicant** : **7 Courtfield Gardens Kensington  
Limited**

**Representative** : **Astburys Property Services Limited  
(managing agent)**

**Respondent** : **Various Leaseholders**

**Representative** : **-**

**Type of application** : **To dispense with consultation  
requirements under S.20ZA  
Landlord and Tenant Act 1985**

**Tribunal member** : **Mrs E Flint DMS FRICS**

**Date of decision** : **14 April 2015**

---

**DECISION**

---

### **Decisions of the tribunal**

- (1) The tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the works to the timber supports and also the columns supporting the portico.
- (2) The lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

### **Reasons for the Decision**

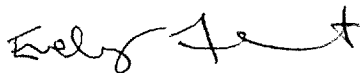
- (3) The Tribunal determines from the evidence before it that the portico is a dangerous structure and that works to the supporting members of the portico are urgent and necessary.

### **The Background**

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the agents on behalf of the Applicants on 24 March 2015.
2. The application concerns repairs to the portico at the entrance to the property which has become structurally unsound and is being temporarily supported on both sides with Acrow props.
3. The property is a typical central London Victorian terraced mansion building with entrance portico in stone and concrete.
4. RID Struthers Ltd, structural engineers, have reported that "The risk to the occupants of the property and general public due to the scale of the stonework in these instances, and the catastrophic nature of any complete failure, places an unusual urgency and seriousness on the matter. It is essential that full remedial works are attended to without delay, as the current temporary propping will not provide the overall lateral stability that is necessary to prevent more fractures to the overall frontage, and further worsening and spreading the damage."
5. Section 20 Notices were served on 30 March in respect of the works to the portico.
6. Dispensation is being sought for the emergency works. Scaffolding is already on the front of the building in relation to a contract to redecorate. If full consultation were to take place the existing

scaffolding will be struck and there will be added expense of new scaffolding.

7. On 20 March the leaseholders were advised that there was a structural defect in the left hand column of the portico; that a structural engineer would inspect within a matter of days and report on the condition of the portico and balcony of Flat B above; that the work was urgent and that there were cost savings to be made by utilising the existing scaffolding which would not be possible if there was a time delay, if full consultation was undertaken in accordance with the Act.
8. Directions in respect of the application were issued on 26 March 2015 and requested that any Respondent who opposed the application should notify the tribunal no later than 9 April 2015.
9. Responses to the managing agents email regarding the works and the application for dispensation were received from the lessees of five of the six flats supporting the application, no response was received from the lessees of the remaining flat.
10. The Tribunal is satisfied that the Respondents do not oppose the application, that they have been given sufficient time to make their views known: the majority of the leaseholders support the application and no one has provided any evidence to demonstrate that these works were not urgent or that full consultation should be undertaken.
11. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine that the Respondents did not oppose the application for dispensation



**Name:** Evelyn Flint

**Date:** 14 April 2015