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

Case Reference : **LON/00AG/LDC/2016/0041**

Property : **Camden Place/ Camden Island,
106-110 (Evans) Kentish Town
Road, London NW1 9PX**

Applicant : **Sackville UK Property Select II
(GP) No 1 Ltd and Sackville UK
Property Select II Nominee (1)
Limited**

Representative : **Workman LLP**

Respondents : **Southern Land Securities and their
sub-tenants as per the application**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Judge : **Mrs S O'Sullivan
Mr S Mason BSc FRICS**

Date of Decision : **23 May 2016**

DECISION

The application

1. The Applicants seek an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a mixed use – commercial and residential property, the residential element includes the 5th and 6th floor which includes 14 flats known as Camden Place/ Camden Island, 106-110 (Evens) Kentish Town Road, London NW1 9PX (the “Property”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicants seek dispensation in respect of qualifying works which have been carried out.

The background

4. The application was dated 27 April 2016. The application seeks dispensation in relation to the requirement for the erection of scaffolding and temporary safety measures following the service of a Dangerous Structures Notice by the London Borough of Camden’s Building Control. The notice is dated 31 March 2016 and relates to cracked and loose render/cornicing to the front elevation of the property.
5. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

6. The Applicants had filed a bundle in accordance with the directions.
7. The Applicants set out their grounds for the application in the application itself. The works required were the installation of a temporary scaffold protection system to cover the eventuality of a section or cornice or plaster debris falls from the façade. The cost for the scaffold and licences are £23,276 plus Vat for a period of 10 weeks with a weekly hire charge of £837 plus Vat thereafter.
8. The Applicants confirm that they have informed the Respondents in relation to the Dangerous Structures Notice and the application to the tribunal. The section 20 process has been commenced in relation to the works now required.

9. The Applicants say that they did not have sufficient time to carry out full consultation under section 20 due to the immediate health and safety concerns caused by the risk of falling render.

The Respondents' position

10. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. No Respondent has served any statement of case nor has any indicated that it intends to oppose the application. Accordingly the tribunal concludes that the application for dispensation is unopposed by the leaseholders.

The Tribunal's decision

11. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to erection of scaffolding and temporary safety measures set out in the schedule attached to the application.

Reasons for the Tribunal's decision

12. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
13. The application was not opposed by any leaseholders. The tribunal is satisfied that the erection of the scaffold and temporary safety measures are urgently required given the contents of the Dangerous Structures Notice and that it is appropriate to grant an order for dispensation in these circumstances.
14. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.

Application under s.20C

15. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 23 May 2016