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

Case Reference : CHI/ 29UN/LDC/2018/0037

Property : Flats 1 -5, 11 Ethelbert Terrace, Margate,
Kent CT9 1RX

Applicant : UK Property Trust

Representative : Bridgeford & Co

Respondents : The leaseholders

Representative :

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

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 6 July 2018

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. The Applicant explained that repairs were urgently required to reinstate lead flashing to the roof because of water ingress into three flats. The Applicant has a tarpaulin in place but this is only a temporary measure.
3. The Applicant had obtained one quotation for the work from B & B Roofing Services in the total sum of £1,460 all inclusive.
4. On 29 May 2018 the Tribunal directed the Applicant to serve a copy of the application and directions on each leaseholder. On 4 June 2018 the Applicant confirmed that a copy of the application and directions had been sent to each leaseholder.
5. The directions required the leaseholders to return a pro-forma to the Tribunal by 12 June 2018 indicating whether they agreed or disagreed with the application and whether they consented to a determination on the papers. No leaseholder returned the pro-forma
6. The Applicant served the Tribunal with a hearing bundle of documents

Determination

7. The Tribunal is satisfied from the application and the documents included in the hearing bundle that the repairs to the roof are essential and required to be carried out.
8. The Tribunal notes that no leaseholder objected to the application, in which case the leaseholders have been removed as Respondents
9. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the additional works to the roof.**
10. This decision is confined to the dispensation from the consultation requirements in respect of repairs to the roof. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. A leaseholder retains the right to challenge the costs of the works by making application to the Tribunal under section 27A of the 1985 Act.
11. The Tribunal requests that the Applicant notify remaining leaseholders of the decision and affix a copy of the decision in a prominent position in the common areas. **The Applicant to advise the Tribunal this has been done by 13 July 2018.**

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking