



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

Case Reference : LON/00AC/LDC/2018/0144

Property : 25 Market Place, Falloden Way,
London NW11 6JY

Applicant : Crescent Trustees Ltd

Representative : Aldermartin Baines and Cuthbert

Respondents : Mr A Connick (1st Floor)
Ms L Gershinson (2nd Floor)

Representative : -

Type of Application : To dispense with the requirement to
consult lessees about major works –
S20ZA Landlord and Tenant Act 1985

Tribunal Members : P M J Casey MRICS

**Date and venue of
Hearing** : 2 October 2018
10 Alfred Place, London WC1E 7LR

Date of Decision : 12 October 2018

DECISION

Decision of the tribunal

- (1) The tribunal determines that it is satisfied that it is reasonable to dispense with all or any of the consultation requirements of Section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 (the Regulations) in respect of what are described in the Application dated 24 August 2018 as urgent repair works to the roof at 25 Market Place, Falloden Way, London NW11 6JY (the property).

The application

1. The applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 ("the Act") that the consultation requirements of the Act may be dispensed with in respect of certain works at the property.
2. The tribunal issued Directions for the case management of the application on 4 September 2018 and allocated it to the fast track with a paper hearing set down for the week commencing 2 October 2018.
3. The application is not opposed by any of the residential long leaseholders of the flats at the building. The works have not as yet commenced.
4. The applicant has provided the tribunal confirmation that the application and the directions had been communicated to all lessees. It has also, as directed, provided a bundle of documents that it relies on which were read and considered by the tribunal on 2 October 2018.

The evidence

5. The property is apparently a three storey terraced building with a commercial unit on the ground floor and a two bedroomed self-contained flat on each of the two upper floors. Neither the applicant nor the any leaseholder requested an inspection and the tribunal did not consider one was necessary or proportionate.
6. In the application, it is said that roof sections need to be replaced including tiles, slates, flashings, valley gutters, soffits and other associated (works). Apparently the roof is at present allowing rain water to leak into the building damaging internal parts including individual flats, causing dampness and more damage.
7. A Part 1 Section 20 Notice was served on the two leaseholders on 24 August 2018. In it the works the landlord proposed to undertake were described as: - "It is proposed to replace parts of the roof and repair other parts of the roof. This work will necessitate front and rear

scaffolding. The works will involve re-tiling, new lead flashings, soffits and bargeboards, chimney flaunchings and other necessary works. The reason for the need to do works is given as: - "Under the terms and provisions of the lease, all roofs and external elevations of the property are to be kept in a good state of repair at all times. The roof should be weatherproof and waterproof at all times". No estimated costs are given in the bundle and it is not known if any tenders for the works have been obtained. Dispensation is sought because the full consultation process would take too long given the urgent need to deal with the damaging leak.

The decision

8. An application under S20ZA does not involve any consideration of whether or not proposed or completed works are service charge chargeable, the reasonableness of the cost of or of the standard of the works. These all remain issues which it is open to leaseholders to challenge when billed for the works. It is solely concerned with whether or not circumstances exist which justify the landlord doing the works without the need to allow the passage of time required to comply with the various consultation stages either in total or in part.
9. The applicant's only grounds for seeking dispensation are to deal urgently with roof leaks and the need to prevent further deterioration to the fabric of the building. The application is not opposed by the two long leaseholders and the tribunal is satisfied in all the circumstances to allow the application and to grant dispensation from the remaining stages of the consultation requirements in respect of the repair works identified in the application and the initial S20 notice.

Name: P M J Casey

Date: 12 October 2018

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).