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

**Case reference** : **LON/00AN/LDC/2018/0195**

**Property** : **63 Sulgrave Road, London W6 7RJ**

**Applicant** : **Fairdale Property Trading Ltd**

**Representative** :

**Respondents** : **Ms G O'Toole**

**Representative** :

**Type of application** : **For the dispensation of the consultation requirements**

**Tribunal member(s)** : **Judge S Brilliant**

**Date and venue of hearing** : **13 February 2019 at 10 Alfred Place, London WC1E 7LR**

**Date of decision** : **13 February 2019**

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**DECISION**

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## **Decision of the tribunal**

The tribunal determines that the applicant has permission to dispense with the consultation requirements in respect of:

- (a) the supply and erecting of scaffolding to the front of the property;
- (b) repairs to the roof upstands and soakers which are defective.

## **The application**

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of scaffolding and roof repairs.

## **Background**

- 2. The premises consist of a building containing three flats. The landlord owns the leasehold of two of the flats and there is only one long lessee, the respondent.
- 3. At the time of the application there was a roof leak causing water ingress which is damaging the plaster and other finishes to the top floor flat.
- 4. The respondent lives abroad, but has received the application by email and has not objected to the application.

## **The work**

- 5. Dispensation was required to mitigate further substantial damage and losses, and to ensure occupants could remain in the property. Further water ingress could lead to structural damage.
- 6. It appears that the works have been completed because the bundle contains a receipted invoice from Mr Wooding trading as Britannia Roofing & Services in the sum of £1,650.

## **Decision**

- 7. The works carried out were qualifying works. In light of the potential damage to the building, I consider it appropriate to dispense with the consultation requirements in this case.
- 8. My decision does not relate to the quality of the work carried out or the reasonableness of the cost.

**Name:** Simon Brilliant

**Date:** 13 February 2019

### **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).