



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

**Case Reference** : **LON/00AW/LDC/2019/0011**

**Property** : **1 Ifield Road London SW10 9AZ**

**Applicant** : **Bradford Property Trust  
(Landlord)**

**Representative** : **Town and City Management  
Limited (Managing Agents)**

**Respondents** : **The Leaseholders of the Basement,  
Ground, First, and Second Floor  
Flats.**

**Representative** : **No appearance**

**Type of Application** : **Section 20ZA Landlord and Tenant  
Act 1985 – To dispense with  
consultation requirements of  
Section 20**

**Tribunal Members** : **Judge Lancelot Robson  
Mr K. Ridgway MRICS**

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

**Date of Decision** : **18th February 2019**

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**DECISION**

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## **Decisions of the Tribunal**

- (1) The Tribunal determines that all or any of the consultation requirements in relation to investigative works to be carried out by G Serve as recommended in their letter dated 2nd January 2019, and costing £2,553 inclusive of VAT shall be dispensed with.
- (2) The Tribunal makes the other determinations as set out under the various headings in this decision.

## **The application**

1. By an application dated 21st January 2019, the Applicant seeks a determination pursuant to Section 20ZA of the Landlord and Tenant Act 1985 (an extract of which is noted in Appendix 1 below) relating to urgent works to investigate the cause and if possible (within the terms of the recommendation), to repair the significant roof leak into the top floor at the subject property. The property is a block of four flats.
2. Further to the Tribunal's Directions dated 24th January 2019, the Landlord served notice of this application upon all leaseholders in the block.
3. In support of the application, the Applicant's agent disclosed that the roof is currently leaking. The Applicant has arranged for a tarpaulin to cover the section of roof concerned, pending the investigation intended to locate and if necessary repair the leak. The investigation will include the use of smoke testing. At the request of the Applicant, G Serve inspected the property, and made recommendations in its letter and quotation dated 2nd January 2019. The work has not commenced.
4. This application was then made on 21st January 2019. The Tribunal's Directions dated 24th January 2019 required the Applicant to give notice of this application to all leaseholders, with copies of the application and Directions attached. Leaseholders were required to notify any objections by 8th February 2019. The Applicant has certified that no leaseholder has replied or otherwise objected.

## **Determination**

5. The Tribunal determined this matter on the papers as no party had requested an oral hearing.
6. The Tribunal noted that essentially its function under Section 20ZA was to decide if the work was urgent, and if it was reasonable to grant dispensation from the full consultation requirements of Section 20. It

could not decide upon matters relating to cost and payability pursuant Section 27A of the 1985 Act. Any party is free to make an application under Section 27A.

7. The Tribunal considered the evidence and submissions. It was satisfied from the evidence that reasonable steps had been taken to notify the Respondents of the problem, and the Applicant's reasons for carrying out the work urgently. In view of the likely discomfort and dangers to the health of residents, the Tribunal decided to grant the order for dispensation from the requirements for statutory consultation under Section 20ZA, as asked.

**Tribunal Judge: Lancelot Robson Dated; 18th February 2019**

### **Appendix 1**

#### **Landlord & Tenant Act 1985**

#### **Section 20ZA Consultation requirements: supplementary**

(1) Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

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