



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

Case reference : LON/00AY/LDC/2017/0031

Property : 43 Prentis Road, Streatham,
London SW16 1QB

Applicant : Southern Land Securities

Representative : Together Property Management

Respondent : Matthew and Danielle Dane (Flat 1)
EJ Brady (Flat 2)
Mr Siemaszkiewicz (Flat 3)
Paul Rayner and Lucy Bradshaw (Flat 4)

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

Tribunal : Judge Nicol
Mr WR Shaw FRICS

Date of decision : 3rd May 2017

DECISION

The Tribunal has determined that the Applicant shall be granted dispensation from the statutory consultation requirements in relation to the works proposed to the roof.

Reasons

1. The Applicant is the landlord of the subject property, a semi-detached house converted into four flats. Water has begun to leak through the roof into at least one of the flats. The Tribunal was provided with the lease for one of the flats which, it is assumed, is standard for the four flats and, under that lease, the Applicant is obliged to repair the roof and the lessees are each obliged to pay a proportionate share of the costs incurred.

2. By letter dated 8th March 2017, the Applicant's agents notified the lessees of the need for the roof repairs and invited representations. They had already obtained some quotes for the works:
 - Series A Roofing Ltd £1,718 plus VAT
 - Chequers Electrical & Building Services Ltd £2,895 plus VAT
3. These sums were large enough to trigger the statutory consultation requirements under section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003. However, the Applicant is concerned that the leak is too urgent for the full consultation process to be completed. On 16th March 2017 they applied to the Tribunal for dispensation from the consultation requirements in accordance with section 20ZA of the Act.
4. The Tribunal made directions on 24th March 2017 requiring the Applicant to send to each lessee both the application and the directions, which they did by letter dated 27th March 2017. None of the lessees have responded or sought to object to the proposed works.
5. In accordance with the Supreme Court's decision in *Daejan Investments Ltd v Benson* [2013] 1 WLR 854, the primary issue when considering dispensation is whether any lessee would suffer any financial prejudice as a result of the lack of compliance with the full consultation process. Given the absence of any objections, it is impossible to identify any financial or other prejudice. The only evidence is that urgent repair works are required.
6. Given the lack of prejudice or objections, the Tribunal is satisfied that it is reasonable to dispense with the statutory consultation requirements.

Name: NK Nicol

Date: 3rd May 2017