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

**Case Reference** : LON/00AW/LDC/2015/0011

**Property** : Kelvin Court, 40/42 Kensington  
Park Road, W11 3BT

**Applicant** : Northumberland and Durham  
Property Trust Limited

**Respondents** : The Long Leaseholders of Kelvin  
Court

**Type of Application** : Dispensation from statutory  
consultation (section 20ZA  
Landlord and Tenant Act 1985)

**Tribunal Members** : Mr M Martynski (Tribunal Judge)  
Mrs JE Davies FRICS

**Date of Decision** : 27 March 2015

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**DECISION**

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**Decision summary**

1. The Tribunal orders that the statutory consultation requirements<sup>1</sup> are dispensed with in connection with the following works:-

Renewal of roof with associated pipe work repairs

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<sup>1</sup>Which are set out at Part 2, Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003

## **Background**

### *The Building*

2. The building in question is described as a four-storey residential block comprising 16 flats with a language school on the ground floor.

### *The works*

3. According to the Applicant, after investigations carried out in 2014 had shown that there was a problem with water penetrating the roof, it had planned to replace the roof to the building during the course of 2015 as part of a planned maintenance programme.
4. However, in late 2014 damage occurred to a section of cold water pipe resulting in an increased level of saturation to the roof. The Applicant decided that the matter was urgent and that there was insufficient time to go through the statutory consultation process prior to the roof replacement and the Applicant therefore pressed ahead with the works without first going through a full consultation process with leaseholders.
5. The works were started in early 2015 and are due to be completed on 20 April 2015 at a cost in the region of £160,000.

### *The application*

6. The Applicant's application for dispensation from the obligation to comply with the statutory consultation regulations is dated 16 February 2015.
7. The Application was assigned to the Paper Track. No request for an oral hearing was made by any party to the application and accordingly the application has been dealt with on consideration of the papers supplied by the Applicant.

## **Responses**

8. No leaseholder opposed the application.

## **Our decision**

9. We find that it is reasonable to dispense with the statutory consultation regulations in connection with the roof works referred to at the outset of this decision for the following reasons.
  - (a) there has been some significant consultation with leaseholders
  - (b) the works appear to be urgent
  - (c) no leaseholder has opposed the application

(d) there did not appear on the face of the papers seen by us to be any prejudice caused to leaseholders as a result of the lack of full statutory consultation

**Mark Martynski, Tribunal Judge**

**27 March 2015**