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

Case Reference : **LON/00AF/LDC/2013/0126**

Property : **The Railstore, Kidmore Close,
Essex RM2 6JN**

Applicant : **UK Ground Rent Estates (3)
Limited**

Representative : **Encore Estate Management Limited**

Respondent : **The leaseholders of South Block as
per the schedule attached to the
application**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Members : **Judge O'Sullivan**

Date of Decision : **4 February 2014**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) ("the 1985 Act") for the dispensation of any or all of the consultation requirements.
2. The building in question is described in the application as 105 flats in a Grade II listed building conversion comprising three separate blocks. The building in issue is the South Block.
3. The application relates to works of repair to structural timber and brickwork to the roof of the South Building.
4. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.

The background

5. The application was received on 22 November 2013. Directions were made dated 26 November 2013 and the application was considered by way of paper determination in the week commencing 3 February 2014.

The issues

6. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant's case

7. The Applicant had filed a bundle in accordance with the directions.
8. The Applicant set out its grounds for the application in the application itself and in a further statement contained in the bundle. Following a site inspection on 12 August 2013 it was discovered that there may be an issue with rotting overhead roof trusses in the South Block. A survey report was commissioned to assess the condition and provide recommendation for repairs. The surveyor advised that the extent of the deterioration was serious and required the immediate erection of a safety barrier due to the danger of falling timber over a central access walkway. Repair works were required to the roof trusses.
9. Temporary crash deck scaffolding was erected to ensure resident safety which would also allow closer inspection by the surveyor. An on site meeting with the surveyor and local Historic Building Officer resulted in the agreement that work needed to be carried out as a matter of urgency and the scope of the works to the roof trusses was agreed. Two

quotations were obtained and a letter was sent to leaseholders on 31 October 2013 which informed them of the scope of the repairs. Planning approval was obtained by 29 October 2013.

10. Two further letters were sent to the leaseholders updating them on the position and on the application for dispensation.
11. The Applicant says that it did not have sufficient time to carry out full consultation under section 20 due to the immediate health and safety concerns caused by the risk of falling timbers.

The Respondents' position

12. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. No Respondent has served any statement of case nor has any indicated that it intends to oppose the application. Accordingly the tribunal concludes that the application for dispensation is unopposed by the leaseholders.

The Tribunal's decision

13. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

Reasons for the Tribunal's decision

14. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
15. The tribunal was satisfied that the surveyor has identified urgent works required to the timber roof trusses.
16. The tribunal was also satisfied that the works are considered urgently required to deal with rotting timber which is a real health and safety concern for residents and members of the public. This was therefore an appropriate application to be made under section 20ZA.
17. In making its decision the tribunal also had regard to the fact that no leaseholders objected to the application.
18. Pursuant to part 1 of the Eighth Schedule the landlord has the responsibility to keep the main structure and exterior in good repair.

Payability of charges

19. The Tribunal would stress that it is not making any assessment of the reasonableness of the charges and a challenge to those charges may be raised by the leaseholder pursuant to section 27A of the 1985 Act in the future.

20. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Name: S O'Sullivan

Date: 4 February 2014

A handwritten signature in black ink, appearing to be 'S O'Sullivan', with a long horizontal line extending to the right.