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

**Case Reference** : LON/00AU/LDC/2015/0012

**Property** : 6 Naoroji Street and 35 Margery Street, London WC1X 0GD

**Applicant** : Thornsett Homes Limited (Landlord)

**Representative** : Ms S. Georgiades; Property Manager, London Residential Management Ltd (Managing Agent)

**Respondents** : All long leaseholders at 6 Naoroji Street, and at 35 Margery Street

**Representative** : No appearance

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

**Tribunal Members** : Mr L. W. G. Robson LLB (Hons)

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

**Date of Determination** : 24<sup>th</sup> February 2015

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**DECISION**

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### **Decision Summary**

- (1) The Tribunal determines that all or any of the consultation requirements in relation to the entry into a contract for qualifying works to repair a leaking roof as noted in the estimate of B.G. Roofing dated 12<sup>th</sup> January 2015 may be dispensed with.
- (2) The Tribunal makes the other determinations as set out under the various headings in this decision

### **The application**

1. The Applicant seeks a determination to dispense with all or any of the consultation requirements pursuant to Section 20ZA of the Landlord and Tenant Act 1985 (an extract of which is noted in Appendix 1 below) relating to urgent qualifying works to repair a leaking roof as referred to in the B.G. Roofing estimate dated 12<sup>th</sup> January 2015.
2. The application dated 22<sup>nd</sup> January 2015 was received by the Tribunal on 26<sup>th</sup> January 2015. On 30<sup>th</sup> January 2015 the Tribunal gave written Directions for a paper determination of this case in the week commencing 16<sup>th</sup> February 2015.
3. The Applicant was directed to serve a copy of the application and the Directions on each long leaseholder, the leaseholders collectively being described as the Respondents. The leaseholders were directed to complete, sign and return the relevant form attached to the Directions to the Applicant and the Tribunal by 9<sup>th</sup> February 2015 if they wished to oppose the application. None did so, although Mr K. Oliver, the leaseholder of Flat 101, wrote to the Applicant's agent on 10<sup>th</sup> February 2015 pointing out a number of discrepancies in the dates on certain documents, requesting that the documents be re-served with sufficient time for him to respond, and that his preferred contractor, notified on 4<sup>th</sup> February 2015, be contacted for an estimate.

### **Determination**

4. The Tribunal found the following facts:
  - a) The properties comprise a block of 42 residential units with three adjoining commercial units at 6 Naoroji Street, and 5 residential units at 35 Margery Street, built about 2003 on four/five floors.
  - b) The statement in support of the application disclosed that recently the waterproof roof covering protecting part of the building had become defective thus allowing water penetration in to the building which currently had caused damage to the communal atrium, Flats 311, 211, 111, and the school reception class room below. Two estimates had been obtained for the work, one from B.G. Roofing for £18,451.20, and

the other from Total Property Maintenance Services Ltd for £17,564.40. The work was described as urgent, supported by several photographs of the affected areas.

c) Although no copy was produced, the Tribunal accepted that a letter giving notice of intention dated 5<sup>th</sup> February 2015 had been sent to the Respondents, because Mr Oliver's letter of 10<sup>th</sup> February 2015 referred to it.

### **Decision**

5. 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.
6. The Tribunal considered the evidence and submissions. It was satisfied from the evidence that reasonable steps had been taken to notify the leaseholders of the hearing. While Mr Oliver was not formally a Respondent it considered his comments. It did not accept that the errors relating to the dates of certain documents were material, and had in any event been corrected in correspondence, with supporting evidence. While the evidence was somewhat rudimentary in places, the Tribunal was satisfied that it was sufficient, the work was urgent, and that it should exercise its discretion under Section 20ZA of the Landlord and Tenant Act 1985 to grant the application.
7. The Tribunal thus decided that it was appropriate to grant the application and order dispensation as asked.

Chairman: Judge Lancelot Robson  
Dated: 24<sup>th</sup> February 2015

### **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.