



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

Case Reference	:	LON/00AU/LDC/2018/0148
Properties	:	Various Flats at 132 – 134 Essex Road, Islington, London, N1 8LX
Applicant	:	Southern Land Securities Limited
Representative	:	Together Property Management
Respondents	:	Mr P & Mr M Hutchison – 1st Floor Flat Ms A France – 2nd Floor Flat Ms C Pissaridou – 3rd Floor Flat
Representative	:	
Type of Application	:	To dispense with the statutory consultation requirements
Tribunal Members	:	Mrs H Bowers – Valuer Chair Mr P Roberts DipArch RIBA Mr O Miller BSc
Date and venue of Consideration	:	1 October 2018, 10 Alfred Place, London WC1E 7LR
Date of Decision	:	1 October 2018

DECISION

The Tribunal grants the application for dispensation from further statutory consultation in respect of the subject works. For clarity the works are the erection of scaffolding to investigate and remedy water leaking into the top floor flat.

REASONS

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) dispensing with statutory consultation in respect of major works.

2. This application is in relation to three residential units, on the first, second and third floors of 132 – 134 Essex Road, Islington, London, N1 8LX (the subject property). The property is described as being in a terrace, with two commercial units on the ground floor and the three residential units on the upper floors. The property appears to date from the 1920’s. The Applicant, Southern Land Securities Limited is the landlord of the property and the Respondents are the leaseholders of the three residential units.

3. The application, made by Together Property Management on behalf of the Applicant, was received on 5 September 2018. Directions were issued by the Tribunal on 7 September 2018. The Directions initially listed the matter for a paper determination for the week commencing 24 September 2018, unless any party made a request for a hearing. There was no request for a hearing but the Tribunal had not received the bundle in time and therefore the Tribunal eventually considered this case on the papers submitted to it on 1 October 2018.

4. The application seeks dispensation in respect of the erection of scaffolding and also for any associated remedial works. The application was stated to be urgent as there was water ingress to the bedroom of the top floor flat following on from any rainfall. It was explained that contents in the flat were becoming damaged.

5. A Notice of Intention has been served on all the Respondent/leaseholders on 4 September 2018. The Applicant’s statement of case explained that when the contractors appointed by the agent had tried to access the roof area to investigate the damage, they had been unable to use ladders due to health and safety issues. Due to the height of the building it was necessary to erect scaffolding to investigate the problem and to carry out any repairs. Included with the papers was a copy of a quotation from D F Keane dated 11 September 2018. The quotation included the erection of the scaffolding, replacing all slipped and missing slate tiles to the mansard roof and relining the box guttering. The quotation was for the sum of £3,960.00 excluding VAT.

6. The Directions invited any Respondent/leaseholder who opposed the application to submit a response form to the Tribunal and to make any statement of response to the Applicant/landlord by 14 September 2018. There were no representations received from any of the Respondents.

Determination

7. Section 20ZA(1) of the Act provides:

“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 any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

8. The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

9. As mentioned above there has been no engagement from the Respondents. The work is of an urgent nature given that there is water ingress into the property and this is causing harm to the property and to the contents within the top floor flat. In all the circumstances the Tribunal grants the application for dispensation from statutory consultation in respect of the subject works, considering it reasonable to do so. For clarity the works are the erection of scaffolding to investigate and remedy water leaking into the top floor flat.

10. This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.

Name: H C Bowers

Date: 1 October 2018

ANNEX - RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.