



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

Case reference : **LON/00BK/LDC/2019/0018**

Property : **114 Elgin Avenue, London W9 2HD**

Applicant : **BleckgroveLtd**

Representative : **Mr R Davidoff of ABC Management Ltd**

Respondents : **(1) Ms C Elliot
(2) Ms L Berhane
(3) Ms L Rosenthal
(4) Mr T Stenhouse**

Representative :

Type of application : **For the dispensation of the consultation requirements**

Tribunal member(s) : **Judge S Brilliant**

Date and venue of hearing : **25 February 2019 at 10 Alfred Place, London WC1E 7LR**

Date of decision : **25 February 2019**

DECISION

Decision of the Tribunal

The Tribunal determines that the applicant has permission to dispense with the consultation requirements in respect of damp proofing works and other consequential works (such as rewiring and replacement of bathroom fixtures) in the Lower Ground Flat at 114 Elgin Avenue, London W9 2HD.

The application

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of the works.

Background

2. The premises consist of a converted Victorian house with four flats.
3. In early December 2018, the tenant of the Lower Ground Flat called the managing agent notifying the landlord that there was a lot of mould and damp in the flat.
4. The landlord obtained quotations from Kenwood plc and other contractors.
5. The damp proof course has been breached. Some of the electrical wiring is no longer working and other defects have appeared in the flat.
6. Tanking is required. The quotations are in the region of £50,000. A preliminary s.20 notice was served on the lessees on 24 January 2019.
7. The landlord has persuaded the insurers to make a significant contribution to the costs, although it is said that the works fall outside the insured risks.
8. The works are obviously urgent to prevent the damp spreading.
9. On 22 January 2019, the landlord sent to each of the lessees a letter explaining the need for the works. A copy of the dispensation application was sent to each of the lessees and a copy hung in the hallway. There have been no objections.

The application

9. An application to dispense with the consultation requirements was sent to the Tribunal on 29 January 2019. Directions were given on 1

February 2019. It was directed that the application would be heard on the papers unless either party requested an oral hearing. No such request was made.

Decision

10. The proposed works are qualifying works. In view of the urgent need to complete them to avoid further damage incurring and to protect the safety of the lessee of the flat, I consider it appropriate to dispense with the consultation requirements in this case.
- 171 This decision does not relate to the quality of the work carried out or the reasonableness of the cost.

Name: Simon Brilliant

Date: 25 February 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

