



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

Case Reference : **LON/00BK/LDC/2019/0125**

Property : **Blocks 1-6, 8 and 10 Hyde Park
Mansions, London NW1**

Applicants : **Deritend Investments (Birkdale)
Limited**

Representative : **Hammond Bale LLP**

Respondent : **Various lessees**

Representative : **N/A**

Type of Application : **Dispensation – section 20ZA**

Tribunal Members : **Judge Tagliavini
Mr. M Cairns MCIEH**

**Date and venue of
(paper) hearing** : **10 Alfred Place, London WC1E 7LR
30 September 2019**

Date of Decision : **30 September 2019**

DECISION

The tribunal's decision

1. The tribunal determines that it is reasonable and appropriate to dispense with the consultation requirements of section 20 of the Landlord and Tenant Act 1985, in respect of the Applicant's remedial works to repair rotten timbers and to make good any plaster damaged as a result of these works at flat 1M Hyde Park Mansions.
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The application

2. This application is made under section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") seeking the tribunal's dispensation from the consultation requirements in respect of works of repair to remedy dry rot and any consequent damage plaster at premises situate at Blocks 1-6, 8 and 10 Hyde Park Mansions, London NW1 ("the premises").
3. The said premises comprise of 96 flats in residential purpose built blocks. In support of the application the tribunal was provided with a witness statement of Ben Warburton solicitor, dated 16/09/2019. Mr. Warburton told the tribunal that urgent works to repair the timbers subject to dry rot §out and completed in June 2019. These works, which although found to have been more extensive than originally anticipated, were completed at a lower than anticipated final cost of £23,945.00 plus £2,586.00 for surveyor's fees.
4. Directions were given by the tribunal dated 16 August 2019 requiring the Applicant to serve this application on each of the lessees. The tribunal was provided with a small lever arch file of documents on which the Applicant sought to rely. Although only three lessees responded to the service of the application, no objections were made by these or any other lessee to this application either to the Applicant or directly the tribunal
5. The tribunal was also provided with a report of D. Fox C.T.I.S.C.R.D.S of Crown Preservation dated 28/02/19 and revised on 22/03/19 detailing the works that were required.

The tribunal's decision and reasons

6. The tribunal is satisfied that the identified works were of an urgent nature and required to be carried out at the earliest opportunity to prevent the further spread of the dry rot that had been identified. In the absence of any objection to the application or to the works, the tribunal is satisfied that it is reasonable and appropriate to dispense with the consultation provisions required by section 20C of the 1985 Act.
7. If the parties wish to dispute the cost of these works they are not prevented from doing so by this application.

Signed: Judge Tagliavini

Dated: 30 September 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 might 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 , such application must include a request for an extension of time and the reasons 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 these time limits.

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).