



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

Case Reference : CHI/ 45UH/LDC/2020/0034

Property : 10 Thorn Road Worthing ,West
Sussex,BN11 3ND

Applicant : Plentview Ltd.

Representative : J H Watson Property Management
Limited

Respondents : Mr R Deheer
Mr J Hall
Mrs L Peck

Representative : -

Type of Application : To dispense with the requirement to
consult lessees about major works

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 22 June 2020

DECISION

The Application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant explains that works are required to replace the ridge and roof tiles at the property as they are currently missing or damaged due to recent high winds. This has caused debris to fall from the roof causing a safety issue to the residents and members of public who pass the property. The Applicant further explains that if the missing tiles are not replaced there would be a high risk of water ingress causing damage to individual flats and the integrity of the building. The Applicant states that no consultation has taken place because of the urgency of the works.
3. The Applicant supplied photographs of the work that had been done to the roof and a copy of an invoice in the sum £1,120.00 from JB Sussex Limited dated 7 June 2020.
4. The Application for dispensation was received on 13 May 2020.
5. On 18 May 2020 the Tribunal directed the Applicant to serve the application and directions on the leaseholders. On 28 May 2020 the Applicant confirmed that it had complied with the Tribunal's direction.
6. The Tribunal directed the leaseholders to return a pro-forma to the Tribunal by 2 June 2020 indicating whether they agreed or disagreed with the application and whether they consented to a determination on the papers. The leaseholders made no representations.
7. The Applicant served the Tribunal with a hearing bundle of documents on 16 June 2020.

Determination

8. The Tribunal is satisfied from the application and the documents that the works repairing the ridge tiles and replacing the roof tiles were necessary, and urgent. The Tribunal accepts that the Applicant did not have time to consult because of the risks of falling debris and of water ingress causing damage to individual flats and the fabric of building.
9. The Tribunal infers from the leaseholders' failures to respond that they did not object to the Application.
10. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the works to the roof.**
11. The Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works. The Tribunal has made no determination on whether the costs of those works are

reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

12. The Tribunal directs the Applicant to serve the decision on the leaseholders and confirm that it has done so within 7 days.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

Due to the Covid 19 pandemic, communications to the Tribunal MUST be made by email to rpsouthern@justice.gov.uk. All communications must clearly state the Case Number and address of the premises.