



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

Case reference : **LON/00AW/LDC/2020/0103P**

Property : **21-23 Cranley Gardens, London
SW7 3BD**

Applicant : **The Welcome Trust Ltd**

Representative : **Savills (UK) Ltd**

Respondents : **The leaseholders named on the
application**

Representative :

Type of application : **For the dispensation of some of the
consultation requirements under
s.20 Landlord and Tenant Act 1985**

Tribunal members : **Judge Simon Brilliant**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **19 October 2020**

DECISION

Decision of the Tribunal

The Tribunal determines that those parts of the consultation requirements provided for by s.20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

This has been a remote hearing on the papers which has been not objected to by the parties. The form of remote hearing was P. A face to face hearing was not held because it was not practicable, and all issues could be determined on paper. The critical documents that I was referred to are set out below. The order made is described at the end of these reasons.

The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by s.20 of the Act. The application was dated 20 July 2020.
2. Directions of the Tribunal were issued on 21 August 2020.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

The hearing

4. The matter was determined by way of a paper hearing which took place remotely on 19 December 2020.

The background

5. The premises consist of 13 flats in a Mansion Block.

The application

6. I cannot do better than set out Mr Morton's statement in support of the application:
 1. "I am employed as Property Manager at Savills of the above address. We took over the management of 21-23 Cranley Gardens from the previous agents, Knight Frank, on 28 September 2017.
 2. We seek dispensation from consultation in respect of access and repair works to loose sections of leadwork on the pitched roof of the above named building as the loose lead represented an immediate safety hazard to passers by.
 3. During a routine site inspection on 10.02.2020 the building's facilities manager noted that there were multiple loose sections of lead on the pitched roof of 21 and 23 Cranley Gardens. See photo of the loose lead in Exhibits 1 and 2. The damage is presumed to have been caused by the high winds during Storm Ciara.
 4. As this elevation is above a public pavement the works were deemed to be urgent in the interest of the safety of pavement users. See photo of the building from street view in Exhibit 5.
 5. The section of the roof to which the leadwork is fitted is not safely accessible from within the building.

6. Estimates were immediately sought to access the area. A quote to access the affected areas via scaffolding was received on 10.02.20 from N-Compass London, the quote also allowed for the repairs and testing upon completion (See quote in Exhibit 3). The quoted sum for the works was £6,988.80 including VAT.
7. An alternative quote was requested from N-Compass London to allow for access to be gained via abseil from a roof anchor in the hope that this would be less costly. The quote in Exhibit 4 was received on 26.02.20 for access via abseil. This quote also allows for the lead repairs. The quoted sum for the works was £3,225.60.
8. N-Compass London were instructed on 26.06.20 to undertake the works via abseil as per Estimate 6215 (Exhibit 4).
9. The works were undertaken on 05.03.2020, being the next available date when the weather allowed works to safely proceed.
10. As the cost of the works exceed the building's Section 20 threshold of £2,000, we seek dispensation from consultation on the grounds that the works could not wait the required consultation period giving the immediate hazard posed by the loose lead".
7. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application did not concern the issue of whether any service charge costs will be reasonable or payable.**
8. No notice was received from any of the Respondents opposing the application.

The evidence

9. The Applicant's case is clearly set out in Mr Morton's statement above.

Decision of the tribunal

10. s.20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.
11. Dispensation is dealt with by s.20ZA of the Act which 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"
11. The Tribunal is satisfied that, in the particular circumstances of this case, involving a clear risk to public safety, it is reasonable to dispense with the consultation requirements in respect of the installation of the roof repair works.

12. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

Name: Simon Brilliant

Date: 19 October 2020