

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

Case reference : **LON/00BG/LDC/2020/0089
PAPERREMOTE**

Properties : **Link House, 193-197 Bow Road, London
E3 2TD**

Applicant : **Link House Bow Limited**

Representative : **Wade Barker MA**

Respondents : **Long residential leaseholders in the
Property as set out on the schedule
attached to the application**

Type of application : **To dispense with the requirement to
consult leaseholders pursuant to s20ZA
Landlord and Tenant Act 1985**

Judge : **Judge Tagliavini**

Date of decision : **13 October 2020**

DECISION

IMPORTANT – COVID 19 ARRANGEMENTS

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:PAPERREMOTE. A face-to-face hearing was not held because it was not practicable and all issues could be determined on paper. The documents that I was referred to are in a bundle of 284 pages, the contents of which the tribunal has noted. The order made is described in these reasons.

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Decision of the tribunal

- (I) The tribunal determines that dispensation is granted to the Applicant, pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works required to the roof, roof terrace, parapet and chimney of the property known as Link House, 193-197 Bow Road, London E3 2TD in order to eliminate the ingress of water into the flats below.
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The application

1. This is an application made pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) seeking the tribunal’s dispensation from the consultation procedures that are required under section 20 of the Act, in respect of works to the roof of Link House, 193-197 Bow Road, London E3 2TD (“the Property”).

Background

2. The Property comprises 29 self-contained flats all sold on long leases in a converted Victorian building with extensions. The roof now requires repairs to eliminate the water ingress that has been occurring into three of the flats in the Property.

The applicant’s case

3. In support of the application the tribunal was provided with a Statement of Case dated 15 August 2020 and the Applicant’s Further Statement dated 21 September 2020 both of which, had been made on behalf of the Applicant by its representative WJD Barker MA.
4. The tribunal was informed that consultation procedures had commenced in March 2020 and that the lessees had been invited to attend a ‘Zoom’ meeting in May 2020 in which the issue of repairs was discussed. However, the works had been overtaken by the current Covid-19 events and this application for dispensation was issued to which no lessee has objected.
5. The Applicant had obtained two estimates for the works from Kelane Developments Limited in the sum of £35,916.00 and SP Imperial Homes Ltd in the sum of £40,380.00. The contractor that had been nominated by a lessee declined to tender for the works.

The respondent’s case

6. The tribunal did not receive any notification from any of the lessees that they opposed this application and were informed that none had been received by the Applicant.

The tribunal's decision and reasons

7. In the absence of any objection to this application by any lessee and the increasingly urgent nature of the works, the tribunal determines that it is reasonable and appropriate to grant dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985.
8. Therefore, the tribunal determines that dispensation is granted to the Applicant, pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works required to the roof, roof terrace, parapet and chimney of the property known as Link House, 193-197 Bow Road, London E3 2TD in order to eliminate the ingress of water into the flats below.

Name: Judge Tagliavini

Date: 13 October 2020

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).