



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

**Case reference** : **LON/00AM/LDC/2020/0083**

**HMCTS Code** : **P:Paper remote**

**Property** : **194 New Cross Road, London SE14  
5AD**

**Applicant** : **Southern Land Securities Limited**

**Representative** : **Together Property Management**

**Respondents** : **(1) Daniel G H Brookes & Deborah  
Brookes  
(2) Adiba Tabassum Osmani  
(3) S A Dollard  
(4) Duncan McLeay**

**Type of application** : **To dispense with the requirement  
to consult leaseholders about  
works**

**Tribunal members** : **Judge Angus Andrew  
Mr Kevin Ridgeway MRICS**

**Hearing venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **19 August 2020**

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**DECISION**

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## **Covid-19 pandemic: description of hearing**

This has been a remote hearing on the papers which has been consented to by the applicant and not objected to by the respondents. The form of remote hearing was P: PAPER REMOTE. A face-to-face hearing was not held because it was not practicable and no-one requested the same.

## **The application and determination**

1. On 19 June 2020 the applicant applied to the tribunal for dispensation from the consultation requirements provided by section 20 of the Landlord and Tenant Act 1985 in respect of proposed roof repairs including inspection by a surveyor and a drone survey. Scaffolding estimates of £8,500 plus VAT and £3,400 have been obtained but in the absence of a survey report no other estimates for the cost of the proposed work have been given. The applicant consented to the application being determined on the papers alone and without an oral hearing.
2. The tribunal gave directions on 16 July 2020. The directions provided for a paper determination unless any party requested an oral hearing by 12 August 2020. It is apparent that no such request was received by the tribunal.
3. The directions required the applicant by 22 July 2020 to send to each respondent a copy of the application form and these directions and to display a further copy in a prominent place in the common parts of the Property. By emails of 21 and 21 and 22 July 2020 the applicant's representative confirmed that it had complied with this requirement.
4. The directions required those respondents who opposed the application to complete the reply form attached to the directions and return it to the tribunal by 3 August 2020. The reply form requested the respondents to say whether they supported or opposed the application and if they wished to attend an oral hearing. We are advised by my case officer that no completed reply forms have been received by the tribunal.
5. As a result of the Covid-19 Pandemic the applicant was required to submit digital papers by email. We were given remote access to those papers that included the application form, a specimen lease, a statement of case and email correspondence with the tribunal and Mr McLeay, the leaseholder of the top floor flat. Having reviewed those documents we are satisfied that the case is suitable for a paper determination. It is on the basis of those documents that we find the facts recorded in the following sections of this decision.

## **Decision**

6. For each of the following reasons we dispense with the consultation requirements provided by Section 20 of the Landlord and Tenant Act 1985, in so far as they relate to proposed roof repairs including inspection by a surveyor and a drone survey.

## **Reasons**

7. The roof has been leaking for approximately 2 months. When it rains buckets have been used to collect the water and around 5 to 6 buckets of water are collected every day.
8. It is self-evident that Mr McLeay is being seriously inconvenienced by the water ingress. It is essential that the work is completed as quickly as possible and that it is not delayed by strict compliance with the consultation requirements.
9. We remind ourselves that we are not concerned with the reasonableness of the cost and that the respondents will still be able to challenge the actual cost of the proposed work should they consider it unreasonable.
10. None of the respondents have objected to the application despite being given the opportunity to do so.
11. Under the terms of the respondents' leases the applicant is responsible for maintaining the roof.

**Name:** *Judge Angus Andrew*      **Date:** 19 August 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).