



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

Case reference : **P/ LON/00AW/LDC/2021/0029**

Property : **Walton House, Walton Street, London
SW3 2JH**

**Applicant
(landlord)** : **The Wellcome Trust Limited**

Representative : **Savills (UK) Ltd.**

**Respondents
(leaseholders)** : **Frederica Brozzetti and Amedeo
Brozzetti
Ms S G Shaker
Lakshman Menon and Darren Paul
Simon Collard
Miss R Thakar**

Representative : **Not applicable**

Type of application : **For dispensation from statutory
consultation**

**Tribunal
member(s)** : **Judge Dickie**

**Date of
determination** : **26 April 2021**

DECISION

Decisions of the tribunal

The tribunal grants the application for dispensation from statutory consultation in respect of the subject works.

The application

1. The premises are a masonry/brick building built in the early 1900's and converted into 6 flats. Application has been made by the managing agent Savills (UK) Ltd. on behalf of the landlord for a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("The Act") dispensing with statutory consultation in respect of major works.
2. The applicant has on 11 March 2021 confirmed that it has sent a copy of the application and the tribunal's directions of 8 March 2021 to each of the leaseholders by post. I am satisfied that the respondents have been served with the application and directions, notwithstanding that there is no evidence that the applicant has also arranged for their display in the common parts of the block as directed. Those directions explained how any leaseholder might object to the application, and that they could request an oral hearing. No party has exercised their right to request an oral hearing of the application. The tribunal has therefore proceeded to reach a decision on the documents and without a hearing, having given notice of its intention to do so.
3. The applicant explains that scaffolding needed to be erected urgently to allow investigation into the cause of a roof leak into one of the flats. On inspection, broken roof slates were discovered which needed to be replaced. The applicant states that the work has been carried out and no statutory consultation has taken place owing to its urgency. Significant damage was being caused to a top floor flat. Following the investigations, the roof urgently required replacement tiles. An inspection of the premises by the tribunal was not necessary.
4. The works specified in the application are:

To supply all necessary plant and equipment - Erection of scaffolding. Allowance for 2 engineers with a roof ladder to remove, dispose of and supply approx. 8 defective roof slates. Scaffold being extended to RHS to allow for cement repairs.
5. In a witness statement Ruby Frampton of Savills (UK) gave evidence that following a leak in a top floor flat, N-Compass London were instructed to attend to complete investigations. Due to the high level of the area suspected to be causing the water ingress, scaffolding was

required to complete the investigations. Scaffolding was erected at the property and on investigation, it was found there was a large area of broken roof slates that required replacement. The managing agent instructed the works urgently to mitigate the damage being caused to the top floor flat. It was considered that to delay the works to carry out full consultation would have caused further damage to the top floor flat and may have made it uninhabitable.

6. The applicant has produced an invoice from N-Compass London Ltd. dated 10 December 2020 in the sum of £1982 including VAT for the erection of a scaffolding tower to access the roof and for the investigation of the roof. There is also produced an invoice dated 22 December 2020 for £1704 including VAT from the same contractor for the replacement of up to 12 defective roof slates and for the extension of the scaffolding to the right-hand side to allow for cement repairs.

Decision and Reasons

7. Section 20ZA(1) of the Act provides:

“Where an application is made to the appropriate 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.”

8. The tribunal has taken into account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.
9. The tribunal has taken note of the fact that no leaseholder has taken the opportunity to object to the application.
10. There is therefore no evidence before the tribunal opposing the application which could suggest that the work was not necessary and/or ought to have been the subject of full statutory consultation.
11. No evidence has been put forward of prejudice to the tenants or other grounds on which the tribunal ought to consider refusing the application or granting it on terms.
12. The tribunal finds there is therefore sufficient uncontested evidence of the necessity to investigate the roof leaks and carry out the remedial works urgently in order to prevent further water ingress into a top floor flat. In all the circumstances, the tribunal considers it reasonable to grant the application for dispensation from statutory consultation in respect of the works. No conditions on the grant of dispensation are appropriate and none are made.

13. This decision does not affect the tribunal's jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable and payable cost of the work, should this be disputed by any leaseholder.

Name: Judge F Dickie

Date: 26 April 2021

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).