



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

Case reference : **LON/00BJ/LSC/2023/0221**

Property : **Bridge Theatre Apartments, 214
Battersea Bridge Road, London SW11**

Applicant : **Michael Shanly Homes (Staines)
Limited**

Representative : **Bridge Lane (Battersea) Management
Limited**

Respondent : **Long residential leaseholders as per the
application**

Representative : **N/A**

Type of application : **Application for dispensation from
consultation pursuant to section 20ZA
of the Landlord and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

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

Date of decision : **22 September 2023**

DECISION

Decisions of the tribunal

- (1) The tribunal grants the applicant dispensation from consultation under section 20ZA of the Landlord and Tenant Act 1985 in respect of roof works carried out by Olive Square Property Maintenance and Refurbishment Ltd in respect of the roof works in the sum of £35,148.00.
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Background to the Application

1. The Applicant landlord seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 from all/some of the consultation requirements imposed on the landlord by section 20 of the 1985 Act¹.
2. In particular, the landlord seeks dispensation from consultation in respect of roof repairs required to remedy the water ingress into 2 apartments and ‘including future access provision.’
3. The subject property is a residential block comprising 17 flats with an underground car park with 3 car park spaces let on separate leases to external Freeholders who are not included in the application as it is intended that the costs of the works will be paid from the Reserve Fund collected from the residential units only. The applicant asserts responses were received from all leaseholders approving these (urgent) works.
4. The works are said to have started due their apparent urgency but the leaseholders were sent a Notice of Intention dated 27 July 2022 in respect of roof works and ancillary works to rainwater goods. Previously, a letter dated 16 May 2023 was sent to the lessees informing them of the urgent works and their costs. Subsequently, an invoice dated 07/07/2023 in the sum of £35,148.00 was submitted to the Applicant by Olive Square Property Maintenance and Refurbishment Ltd in respect of the roof works.
5. The Applicant subsequently confirmed to the tribunal that a copy of this application and the directions had been displayed in the common parts of the subject premises.

The hearing

6. As neither party requested an oral hearing the application was determined on the documents provided by the Applicant in the form of a 56 page bundle in electronic form.

7. The Applicant confirmed the works had been carried out by Olive Square Property Maintenance and Refurbishment Ltd in respect of the roof works in the s by in the sum of £35,148.00. It was also confirmed to the tribunal that no objections to the works or to this application had been received by the Applicant. Similarly, no objections to the application were received by the tribunal from any respondent leaseholder.

The tribunal's decision and reasons

8. The tribunal grants the dispensation from consultation sought by the Applicant, in respect of roof works to the subject premises as carried out by Olive Square Property Maintenance Refurbishment Ltd in the sum of £35,148.00.
9. The tribunal finds the required works were of an urgent nature as the water ingress through the roof was significantly impacting the upper floor flats. Further, in the absence of any objection to this application or to any prejudice shown by the respondent lessees, the tribunal considers it appropriate to grant the dispensation sought; *Daejan Investments v Benson and others* [2013] UKSC 14.

Name: Judge Tagliavini

Date: 22 September 2023

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).