



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

Case reference : **LON/00AG/LDC/2023/0206**

Property : **159-161 Iverson Road, London NW6 2RB**

Applicant : **The Ivery (London) RTM Company Limited**

Representative : **Prime Property Management**

Respondent : **Various leaseholders as per the application**

Representative : **N/A**

Type of application : **Application for dispensation from consultation – section 20Z of the Landlord and Tenant Act 1985**

Tribunal members : **Judge Tagliavini**

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

Date of decision : **20 November 2023**

DECISION

Decisions of the tribunal

- (1) The tribunal grants the applicant dispensation from consultation, pursuant to section 20ZA of the Landlord and Tenant Act 1985, in respect of works of repair at a cost of £18,075.94, to the roof of the property situate at 159-161 Iverson Road, London NW6 2RB.**
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The application

1. The applicant landlord has applied for dispensation from the statutory consultation requirements in respect of urgent works to repair the roof due to severe leaks through the roof of the subject premises at 159-161 Iverson Road, London NW6 2RB('the Property).
2. The Property comprises a block containing 20 apartments. By a Notice of Intention dated 22 March 2023, the respondent leaseholders were notified of the intention to carry out works of repair to the roof on the south side tower. However, the condition of the roof substantially deteriorated and allowed the ingress of water into the Property. Consequently, the applicant decided it was necessary to carry out urgent roof works during the summer months, in order to remedy the problem and avoid further damage and the likelihood of an increased cost of repair at a later date. These were started on 7 July 2023 and completed on 16 July at a total cost of £18,075.94.

The hearing

3. As neither party requested an oral, the tribunal determined this application on the documents provided. The applicant relied upon a bundle of documents comprising 33 (electronic) pages. None of the respondent leaseholders provided any evidence or other documents to the tribunal.

Reasons for the tribunal's decision

4. In reaching its decision, the tribunal was satisfied the respondents had been notified of both of the need for roof works and of this application to the tribunal. The tribunal was also satisfied that no objection to this application for dispensation from consultation had been made or received by the applicant or by the tribunal.
5. The tribunal is satisfied that the works for which dispensation is sought were of an urgent nature and to have failed to have carried them out promptly was likely to have caused more prejudice to the leaseholders, than if the full consultation process had been followed.

6. In the absence of any objection from the respondents or the identification of any prejudice caused, the tribunal considers it reasonable to dispense with requirement for consultation in respect of the roof works carried out by the applicant in the total sum of £18,075.95; *Daejan Investments v Benson and others* [2013] UKSC 14.

Name: Judge Tagliavini

Date: 20 November 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).