



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

Case reference : **LON/00BG/LDC/2023/0144**

Property : **644-648 Mile End Road, London E3 4LH**

Applicants : **John S. Miller Limited**

Representative : **Martin Grealish**

Respondent : **Audrey Ferdinand and Katherine Tyrell**

Representative : **In person**

Type of application : **For dispensation under Landlord and Tenant Act 1985, s.20ZA**

Tribunal members : **Judge Shepherd
Oliver Dowty MRICS**

Date of determination and venue : **at
10 Alfred Place, London WC1E 7LR**

Date of decision : **10th November 2023**

DECISION

1. This was a disputed application for dispensation under s,20ZA Landlord and Tenant Act 1985. The dispensation application relates to works to rectify water ingress to the building at 644-648 Mile End Road, London E34LH. The Respondents under their leases are required to contribute to any works carried out to 644-646 Mile End Road. It became clear that

the leaks predominantly affect 648 Mile End Road but have also affected Flat C in 646 Mile End Road. It also became clear that the works proposed went beyond the emergency works required to rectify the water ingress problem and included for example decoration of the rear elevation. The Respondents were being asked to contribute around £28000 for their share of these expanded works.

2. The Tribunal gave an indication that it may only give dispensation for the urgent works. The parties took some time to negotiate what urgent works should be included in the dispensation. These were agreed to be the following:

- Scaffolding at the rear of the building excluding g the flank wall.
- Roof works
- Works to the stacks and projecting walls
- Drains

3. These are the works for which dispensation is granted under s.20ZA. Any further works will need to be consulted upon pursuant to s.20 Landlord and Tenant Act 1985.

4. The Tribunal is grateful for the cooperative approach adopted by the parties and trusts that relations are improved as a result of this process.

Name: Judge Shepherd

Date: 10th 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).