



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

Case reference : **LON/00AW/LDC/2024/0043**

Property : **Laurie House, 16 Arlie Gardens, London W8 7AR**

Applicant : **London and Surrey Property Holdings Ltd**

Representative : **Jennifer Adesina of Regent Property**

Respondents : **The tenants**

Representative : **No appearance**

Type of application : **Application for a dispensation from the consultation requirements in respect of major works**

Tribunal : **Judge Adrian Jack, Tribunal Member J Mann MCIEH**

Date of paper determination : **22nd April 2024**

DECISION

The application, the property, the works and the law

1. The applicant by an application dated 12th February 2024 applies for dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works to the roof. The property is a purpose built residential block over seven floors. Most of the roof is flat.
2. The Tribunal gave directions on 4th March 2024. The tenants have not complied with the directions and appear to raise no objection to the landlord's application. No request for an oral hearing was made by any party, so the Tribunal has determined this matter on the papers.
3. The applicant says that the roof has been damaged due to an escape of water from a tank located on the roof. The roof requires replacement as

it has been leaking into the flats below and causing extensive damage to their properties. There is a possibility that the roof could collapse. The works need to be carried out as soon as possible.

4. Section 20ZA(1) of the 1985 Act provides:

“Where an application is made to the appropriate tribunal [in England, this 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.”

5. An important consideration is always whether granting dispensation will cause prejudice to the tenants. In our judgment, on the facts of this case there is no prejudice to the tenants. The works are urgent.

6. In our judgment it is reasonable to dispense with the consultation requirements in this case.

7. This dispensation does not mean that the tenants cannot challenge the cost or quality of the work done. It simply dispenses with the consultation requirement.

8. There is no application in respect of the fees for applying to the Tribunal, so we make no order in respect of such fees.

DETERMINATION

a) The Tribunal grants a dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works the subject of the application.

b) The Tribunal makes no order in respect of the fees payable to the Tribunal.

Name: Judge Adrian Jack

Date: 22nd April 2024