



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

Case reference	:	LON/00AJ/LDC/2024/0077
Applicant	:	Farthing Court (Greenford) Middlesex Limited
Representative	:	Ringley Law (Ref: 30030144)
Respondent	:	Leaseholders of William Perkin Court, 1089 Greenford Road, UB6 0AJ
Property	:	William Perkin Court, 1089 Greenford Road, Middlesex UB6 0AJ
Tribunal	:	Judge Adrian Jack, Tribunal Member Fiona Macleod MCIEH
Date of decision	:	8th July 2024

DECISION

Background to the application

- A. The applicant has applied for dispensation from the statutory consultation requirements in respect of leaks in the roof structure the scaffold works were needed to assist the surveyor with identifying the main causes and issues. The estimated cost of the works was initially £21,600 including VAT. However, when the contractor was building the scaffolding on site, it was discovered that more flats had complained of water ingress so more scaffolding was installed making the final costs total £28,800 including VAT.
- B. According to the application, there had been limited consultation due to the urgency of the works. The application is said to be urgent because of the leaks throughout the roof structure, the building surveyor needed the scaffolding in place in order to make checks on the roof and exterior of the building and identify where the problems are.
- C. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.

- D. Directions were given on 16th May 2024. No tenant has indicated a wish to participate in the proceedings and none has indicated any opposition to the application. Notwithstanding this, the Tribunal must determine itself whether it is appropriate to dispense with the consultation requirements.

Reasons

1. This is a matter which has urgency. The block contains 67 flats. The applicant is a tenant-owned management company. The applicant explains:

“The scaffold works were urgently required due to the leaks throughout the roof structure, the building surveyor needed the scaffolding in place in order to make checks to the roof and exterior of the building and identify where the problems are.”
2. Section 20ZA(1) of the Landlord and Tenant Act 1985 provides:

“Where an application is made to the appropriate tribunal [in this case, this Tribunal] for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”
3. In our judgment it is reasonable to dispense with the consultation requirements. Consultation would take several months, whereas the water ingress needed to be dealt with without delay.

DECISION

1. The Tribunal grants dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works, the subject of the application.
2. No order for costs.

Name: Adrian Jack

Date: 8th July 2024