



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

Case reference : **LON/00AW/LDC/2024/0209**

Property : **64 Pont Street, Kensington, London,
SW1X 0AE**

Applicant : **Wellcome Trust Ltd**

Representative : **Ringley Law**

Respondent : **Leaseholders of 64 Pont Street**

Type of application : **For dispensation from statutory
consultation**

**Tribunal
member(s)** : **Mr O Dowty MRICS**

**Date of
determination** : **23 September 2024**

DECISION

Decision of the Tribunal

The Tribunal grants the application for dispensation from statutory consultation in respect of the qualifying works.

The application

1. The applicant, Wellcome Trust Ltd, is the freeholder of the property. The property is a purpose-built block of 7 flats located on Pont Street in Knightsbridge.
2. The application, dated 29 July 2024, seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“The Act”)

dispensing with statutory consultation in respect of qualifying works. At the time of that application, those works had already been carried out.

3. Directions were issued by the Tribunal on 7 August 2024. Amongst other things, those directions provided that the applicant was to serve copies of the application form and the Tribunal's directions upon the respondents, to display a copy of the Tribunal's directions in the common parts of the property and to provide any replies to the Tribunal's directions received by them from the respondents (or confirm that there was none).
4. The applicant confirmed, in an email dated 16 August 2024 from Anastacia Theophanous, an employee of the applicant's representative, that the documents referred to in the Tribunal's directions had been served upon the respondents and displayed at the property (as appropriate) on 14 August and 15 August 2024 respectively. In their bundle, as directed, the applicant also provided confirmation - by way of a witness statement dated 11 September 2024 of Anastacia Theophanous - that the applicant had not received any responses to the application from the respondents. Similarly, the Tribunal has not received any reply forms (which were provided for in the directions in this matter) nor any other submissions from any objecting party.
5. The Tribunal considered that a paper determination of the application was appropriate, the applicant indicated that they were content for this to happen in their application and no objections were received from any respondents. I agree, and I have therefore determined this matter on the basis of the papers provided to me without a hearing.
6. I did not inspect the subject property as it was not necessary to do so to determine the present application.

The Qualifying Works

7. The works carried out, and some of the background to the current application, are set out clearly and succinctly in a witness statement dated 14 August 2024 provided by Darren Okosi of Ringley Chartered Surveyors (the managing agents of the property):

...

5. *The works that were carried out are lead roof repairs and liquid waterproofing removal*

6. *The works were of an urgent nature. There was water ingress going throughout the roof structure causing damage to the flat 5 (a top floor flat). When rainfall occurred the damage would worsen and the need for dispensation was apparent to protect the fabric of the building.*
7. *There was no consultation due to the urgency of the works.*
8. *The works were completed in mid-July 2024 and were completed by Rosco and Perlini. They cost £6,912.00 including VAT plus the 10% contingency fee of £691.20 which is a total of £7,603.20.*

...

8. The applicant also provided a report from Rosco & Perlini in their bundle in relation to the need for the works, which was in part difficult to read. I am unsure whether that is because of a formatting error in the preparation of the bundle or a stylistic choice in the report's design – but this is of no import as Mr Okosi has provided cogent and unchallenged evidence regarding the works, and what is clear from Rosco & Perlini's report is that at the time of their inspection there were “numerous holes and splits in the lead waterproofing”, and that “poor waterproofing repairs have been carried out using liquid waterproofing”, both of which are supported by photos in that report.
9. The report goes on to say that “We recommend it [the liquid waterproofing] is removed and once the lead repairs have been completed, all lead work should be coated with Pantination oil to prolong the life of the roof.”

Decision and Reasons

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

Where an application is made to the appropriate 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.

11. The applicant's case is that the works were required urgently to remedy water ingress caused by a damaged lead roof. No representations have been received that dispute this, and the applicant has provided a witness

statement from a member of the managing agent's staff and a report from their contractor regarding it.

12. No leaseholder or other interested party has indicated their objection to the application at all. It is therefore trite to note that no leaseholder or other interested party has identified any prejudice that might be, or has been, suffered by them as a result of the failure to consult. Similarly, I have not identified any clear prejudice that the leaseholders or any other interested parties have suffered, or might suffer, in the absence of any such representations from them.
13. In light of the above, I consider it reasonable to grant the application for dispensation from statutory consultation. No conditions on the grant of dispensation are appropriate and I therefore make none.
14. This decision does not affect the Tribunal's jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable and payable costs of the works, should this be disputed by any leaseholder.

Name: Mr O Dowty MRICS

Date: 23 September 2024

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).