



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

Case reference : **LON/00BB/LDC/2024/0160**

Applicant : **London Borough of Newham**

Respondents : **The long leaseholders listed in the
schedule accompanying the Tribunal
application**

Property : **154-185 Hathaway Crescent, London E12
6LU**

Tribunal : **Judge Adrian Jack**

Date of decision : **5th November 2024**

DECISION

1. The applicant is the freeholder of 154-185 Hathaway Crescent, London E12 6LU ('the Property'), which is a seven-storey, purpose-built block containing 32 flats. The respondents are the long leaseholders of 13 of these flats. The remaining 19 flats are let on social tenancies.
2. The applicant seeks dispensation from the statutory consultation requirements in for the replacement of the main roof covering at the Property. There was storm damage to part of the roof in March 2024 that necessitated emergency repairs, which are subject to an insurance claim. During these repairs the remaining roof area was inspected, and the water proofing element of the roof covering was found in need of replacement.
3. The application is said to be urgent so existing scaffolding and access arrangements, for the urgent repairs, can be used for the replacement of the main roof covering.
4. The Tribunal gave preliminary directions, including provision for a case management hearing ('CMH') in a letter dated 28th August 2024. This directed the applicant to notify all affected parties of the CMH and supply them with copies of the letter, Tribunal application and a reply form. There was also a direction for affected parties who wish to object to the application to complete and return the reply form by 13th September 2024.

5. The CMH took place at 10 Alfred Place, London WC1E 7LR on 24 September 2004. Ms Beverley Ojo appeared for the applicant. None of the respondents attended and no completed reply forms have been received by the Tribunal. During the CMH, Ms Ojo advised that the replacement of the main roof covering has been completed and the applicant has not received any completed reply forms.
6. The Tribunal gave directions on that date, which provided for a determination on paper of the application in the week commencing 4th November 2024, unless any party requested an oral hearing. No one has made such a request. The tenants have not engaged with the process, so the matter now stands to be determined solely on the evidence adduced by the applicant.
7. This application does not concern the issue of whether any service charge costs will be reasonable or payable for the replacement of the main roof covering.
8. The applicant's case is this:

“High winds on 29th March 2024 dislodged part of the roof to the block, leaving the lift motor room and plant room exposed to the elements. Urgent essential works are required to be undertaken as soon as possible to ensure the safety of the property and its occupiers. The cost of these urgent works will be met within the current insurance claim for the incident. However, inspection of the remaining roof area has found that the roof covering is beyond its life expectancy and requires replacement of the weather proofing element.

It is proposed that the access and scaffolding required to carry out the emergency works be simultaneously used to also carry out replacement of the main roof covering, thereby achieving significant cost savings for leaseholders. Dispensation is sought in respect of these additional works. The urgency in seeking dispensation is because the emergency works and associated access arrangements are due to commence imminently [*sic*] and the time it would take to comply with the full consultation requirements for the additional works will exceed the duration of the emergency works.”

9. None of these assertions have been challenged. I accept that the work was urgent. Carrying out the more extensive works will, for the reasons set out by the applicant, save the tenants money.
10. In my judgment, this is a quintessential example of a case where dispensation should be granted. The works were urgent and doing them in the way they were done benefited the tenants. No tenants have raised objections to the works or the lack of consultation.

DETERMINATION

Dispensation is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works to the roof.

Signed: Judge Adrian Jack

Dated: 5th November 2024