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

Case Reference : **LON/00AC/LDC/2013/0138**

Property : **1-12 Stanford Court, Friern Barnet
Road, London N11 3EA**

Applicant : **Museprime Properties Limited**

Representative : **Michael Richards & Co, chartered
surveyors**

Respondents : **The leaseholders of the 12 flats in
Stanford Court**

Representative : **None**

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

Tribunal members : **Margaret Wilson
Robin Potter FRICS**

Date of determination : **25 February 2014**

DECISION

1. This is an application by the landlord of a three-storey block of twelve flats under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") for dispensation with the statutory consultation requirements in respect of works which have been carried out to renew the covering of the flat roof of the block. The respondents are the leaseholders of the flats.
2. The application was received by the tribunal on 27 November 2013 and directions were made on 9 December. The directions required the landlord to send its statement of case to the leaseholders by 10 January 2014 and any leaseholder who wished to respond to the application to do so by 31 January. Two leaseholders have indicated that they object to the grant of dispensation. The landlord indicated in the application that it was content for the application to be determined on the basis of written representations and without an oral hearing, and since none of the leaseholders has asked for an oral hearing, the application is determined on the basis of the written submissions.
3. The documents show that Sherlock Construction Limited were called to the block in October 2012 after a report of water ingress into Flat 12 and that patch repairs were carried out. In August 2013 Sherlock Construction Ltd was again called because of water leaking into Flat 12 and found that the leak was coming from a water tank on the roof, and they attended to that leak. In September 2013 Wright Builders were called, again to investigate leaks into Flat 12, and carried out a further patch repair. The managing agent, Michael Richards & Co, chartered surveyors, then decided that the felt roof covering had reached the end of its useful life and on 14 October 2013 it gave the first statutory consultation notice to the leaseholders. In October the managing agent obtained three quotations for the work, ranging from £12,000, not apparently subject to VAT, to £28,050 plus VAT, but decided that the work was too urgent to allow for full consultation and that the lowest tenderer, Hudson House Company, should be instructed to proceed with the work, which was completed in or about November 2013 at a cost of £12,000.
4. Robert Pavitt, the leaseholder of Flat 4, has objected to the grant of dispensation on the grounds that it was through the incompetent management of Michael Richards & Co that the roof had been left in such disrepair that it needed emergency replacement and that he did not trust them to obtain a competitively priced roofing contractor without consultation and a tendering process. Gillian Stelman, the leaseholder of Flat 7, has also objected on similar grounds. She says that Michael Richards & Co had no incentive to get the best deal for the leaseholders and had allowed the roof to deteriorate to the extent that emergency works were required because it had not carried out regular inspections.

5. Section 20ZA of the Act gives the Tribunal the discretion to dispense with the relevant statutory consultation requirements, which in the present case are set out in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003, if it is satisfied that it is reasonable to dispense with them.

6. We are satisfied that the works were necessary and were urgent in view of the leaks into Flat 12 and that it is reasonable to dispense with further compliance with the Consultation Regulations.

7. That is not to say that Mr Pavitt and Ms Stellman are necessarily wrong in their observations. This decision relates only to dispensation from the consultation requirements. It is not a decision that the cost of the works was reasonably incurred or payable under the respondents' leases, which are matters which can be investigated by the Tribunal if any of the leaseholders chooses to apply to it under section 27A of the Act.

Judge: Margaret Wilson