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

**Case Reference** : **LON/00AW/LDC/2014/0010**

**Property** : **76 Sloane Street, SW1X 9SF**

**Applicant** : **76 Sloane Street Management Limited**

**Representative** : **D & G Block Management Limited represented at the hearing by Miss K Windsor (Property Manager) & Mr C Watson (Director)**

**Respondents** : **The long leaseholders of 76 Sloane Street**

**Representative** : **None**

**Type of Application** : **Dispensation from statutory consultation (section 20ZA Landlord and Tenant Act 1985)**

**Tribunal Members** : **Mr M Martynski (Tribunal Judge)**

**Date of Hearing** : **9 April 2014**

**Date of Decision** : **9 April 2014**

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**DECISION**

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## **Decision summary**

1. The Tribunal decides that the statutory consultation requirements<sup>1</sup> are dispensed with in connection with the works carried out in or about October 2013 as described in the attached Schedule of Works.

## **Background**

2. The building in question is a purpose built five-storey block containing seven flats.
3. I was told by the Applicant that the basement flat in the building had been suffering from water ingress and was as a result in a state of disrepair. The works required to remedy the problem were required to both the interior of the flat and the exterior of the building. The exterior works are those contained in the Schedule of Works attached to this decision.
4. The Applicant stated that the need for external works became apparent on an external inspection carried out on 12 July 2013. A further inspection was carried out on 20 July 2013. On 1 August 2013 a specification of works was produced. That specification was circulated to two contractors in order to obtain quotes for the works specified.
5. The works were carried out in October 2013 without consultation with the leaseholders. The reason for this, I am told, is the Applicant's desire to complete the works as soon as possible so as to remedy the disrepair in the basement flat. An insurance claim for works to the interior of the basement flat had been approved and the parties did not wish for the issue of the external works to delay matters.
6. The cost of the external works amounted to £5,652.50.
7. No leaseholder responded to the application.

## **Decision**

8. Given that:-
  - (a) There was good reason for carrying out the works urgently
  - (b) No leaseholder has objected to the application
  - (c) There is no evidence or suggestion of any prejudice having been caused to any leaseholder by the lack of statutory consultation;The Tribunal finds that it is reasonable to dispense with the statutory consultation regulations in respect of the works described in the Schedule attached.

**Mark Martynski, Tribunal Judge**

**9 April 2014**

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<sup>1</sup>Which are set out at Part 2, Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003

**SCHEDULE OF WORKS - 76 SLOANE STREET, LONDON  
SW1X 9SF**

*Contractor is to note that the works comprise the external repairs of the property's Lower Basement Flat to the rear elevation following damp ingress internally.*

**1.0 Asphalt works**

1.1 Allow to hack off rendered plinth to entire rear elevation, including the abutting brick retaining wall to the south corner, and install new asphalt upstands, with two coats of Permaphalt or equivalent approved asphalt, the top coat including 15% aggregate. Upstands to be formed using 15mm two coat skirting with angle fillet min 150mm high. Finish asphalt to a smooth flat surface, free from lipping, pitting and other imperfections.

1.2 Allow to install an adequate asphalt detail around the soil vent pipe where penetrates existing asphalt.

*Asphalt works are to be carried out in accordance with the Mastic Asphalt Council and provide full liaison with "Permanite Asphalt" Tel 01629 582213 during construction. Provide, where applicable, a 15-year material and labour guarantee is to be provided. Permaphalt to be installed in accordance with BS 8000:Part 4:1989, BS 8218:1998 and Permanite instructions. Contractors shall refer to Permanite Asphalt Technical Guidance when undertaking works*

1.3 Allow to supply and fix new Code 4 lead flashing to the new asphalt upstands at abutment with elevation/brickwork. Leadwork to be chased into brick joints to recommended depth and securely fixed into the joint before re-pointed.

1.4 Apply patination oil to the new leadwork on completion.

*All leadwork is to be carried out to BS 1178/82 and in accordance with the British Standards Codes of Practice and the recommendations of the Lead Sheet Association.*

**2.0 Brick Repairs/Cleaning**

2.1 Allow to undertake low pressure chemical cleaning to the lower ground floor only brickwork/masonry to the rear elevation where algae growth, water stains and dirt/residue, etc. Brick cleaning to extend to ground floor level to water stained brickwork around previously defective rainwater pipe. Cleaning to also include the adjoining brick retaining wall to the south corner.

2.2 Allow to re-face 25no bricks to the rear elevation at lower ground floor level, including to existing repairs to corners of window reveal. Also, include for re-pointing brickwork re-faced as described below.

Cut back the defective face of the bricks to a sound surface, dust off and apply one coat of Ronafix. Apply a repair comprising of 1:1:6 portland cement:lime:sand mix with the addition of a quantity of Ronafix in accordance with the manufacturer's recommendations and a colourant to produce a colour matching the adjacent brickwork.

- 2.3 Allow to re-point 2m<sup>2</sup> of brick joints/perpends to lower ground floor level brickwork to the rear elevation. To include the adjoining brick retaining wall to the south corner.

The mixing and matching of the mortar for the re-pointing shall be in accordance with the recommendations of Clause 31 of this Specification and BS 5628: Part 3: 1985. Allowance should be made for raking out the existing defective joints to a minimum depth of 15mm. Brush down to remove all traces of loose mortar. Prior to re-pointing, adequately wet the wall so that it is damp but not saturated, to ensure good adhesion.

**3.0 Drainage and Rainwater Goods**

- 3.1 Provisionally allow to remove the recently installed uPVC rainwater downpipe to lower ground floor/ground floor and reinstate a new section of cast iron rainwater pipe to match original diameter, to include all associated cast iron brackets and fixings.

**4.0 Decorations**

- 4.1 Allow to redecorate all lower ground floor window ledges with masonry paint in matt Black finish.
- 4.2 Allow to prepare and decorate the new section of cast iron rainwater pipe, above, in one coat of Dulux Trade Undercoat then two coats of Dulux Trade Metalshield Gloss Finish. Colour : Black.
- 4.3 Allow to prepare and decorate the all existing uPVC/cast iron soil vent and rainwater pipes to lower ground floor level.

**5.0 Completion/Cleaning**

- 5.1 On completion of the works, clean off all dirt and dust to the glazing panes, window ledges/cills, pipework, gutters, asphalt pathway etc. to ensure left clean and clear.
- 5.2 Allow to rod through all gullies and drain runs to the nearest manhole and ensure that they are all clear and free of all obstructions.
- 5.3 Allow to tack back any loose wires/cables to lower ground floor/ground floor level to neat and tidy.

**SCHEDULE OF WORKS TOTAL:**

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