



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

**Case Reference** : LON/00AN/LDC/2015/0062

**Property** : 85 Hammersmith Grove London  
W6 0NQ

**Applicant** : Soltill Investments Ltd

**Representative** : Edwin Evans Property  
Management

**Respondent** : Ms A Hercules (2<sup>nd</sup> Floor Flat)  
Ms N Busatta (1<sup>st</sup> Floor Flat)

**Representative** : None

**Type of Application** : For the dispensation of  
consultation requirements under  
section 20ZA of the Landlord and  
Tenant Act 1985

**Tribunal Members** : Mr C Norman FRICS  
Mr L Packer

**Date and venue of  
Hearing** : 10 Alfred Place, London WC1E 7LR

**Date of Decision** : 19 June 2015

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**DECISION**

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### **Decision of the tribunal**

- (1) The Tribunal GRANTS dispensation from the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (“the Act”) in respect of the following works:

Emergency repair and scaffolding at a total cost of £4,344.24 (including VAT) as referred to in an email by Mr Abbot of Edwin Evans on 15 May 2015 and specified in correspondence to the respondents on 27 May 2015.

### **Reasons**

1. There is clear evidence from emails that part of the parapet of the building collapsed, was dangerous and required immediate emergency repair. The local authority and police became involved to ensure public safety.
2. The sample leases of the property provided to the Tribunal make clear that the landlord is entitled to recover proper repair costs from the lessees.
3. Following Directions issued on 22 May 2015, the Tribunal wrote to the Respondents giving them the right to object to the application for dispensation, if they so wished. No objections were received.
4. Section 20ZA(1) states “Where an application is made to [the 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.”
5. The Tribunal finds that immediate scaffolding and repair was necessary in these circumstances and that consultation would have been impracticable.
6. The Tribunal therefore grants the Dispensation sought.
7. This Decision is concerned with consultation only and does not affect the rights of the respondents to challenge the amounts of the service charge under relevant provisions of the Act.

**Name:** C Norman FRICS

**Date:** 19 June 2015