

11462



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

Case reference : **LON/00AW/LDC /2015/0115**

Property : **Delahay House 15 Chelsea
Embankment London SW3 4LA**

Applicant : **Delahay House Freehold Limited**

Representative : **D & G Block Management**

Respondent : **Various Leaseholders as per the
Application**

Representative : **-**

Type of application : **To dispense with consultation
requirements under S.20 Landlord
and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint DMS FRICS**

Date of decision : **18 November 2015**

DECISION

Decisions of the tribunal

- (1) The tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to water ingress from the eastern roof deck..
- (2) The lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

Reasons for the Decision

- (3) The Tribunal determines from the evidence before it that the works to the timbers and gutters are urgent and necessary.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by D & G Block Management on behalf of the Applicants on 12 October 2015.
2. The building which is a purpose built block of eleven flats is situated within a terrace and is Grade II listed.
3. The application concerns dispensation in relation to water ingress emanating from the eastern roof deck at the property. The works to be undertaken are to the timber lintels on the 3rd floor which are sodden due to water ingress from the roof.
4. Notice of Intention under Section 20 Landlord and Tenant Act 1985 (as amended) was served on the Respondents on 7 October 2015.
5. A report dated 7 October 2015 by Gazelle London Limited set out the disrepair and remedial work necessary to remedy the defects. There are two flat roof terraces to the rear of Delahay House both of which have been constructed with box gutters set into the roof line/deck. Both have outfalls through the solid brickwork: the one to the east connects into a lead pipe which in turn connects to a cast iron rain water pipe below. The eastern outfall seems to have been leaking for some considerable time. The surveyor is of the opinion that there is either a single or multiple cracks in the base of the box gutter and that the joints in the lead lined outfall may also be cracked. The internal finishes to the flats on the second and third floors have been affected by water penetration. The timber lintels which have been exposed in the third floor flat are sodden. The surveyor is of the opinion that the timber wall plates, joist

ends and supports will also have been affected by the water penetration. The extent of the deterioration cannot be ascertained until further opening up is completed. Therefore the eastern box gutter needs to be lifted to expose the timber below and reveal the extent of the rot; the lining should be replaced together with the outfall pipe. All rotten timber should be either treated or replaced as appropriate.

6. It was recommended that various other works be undertaken while the scaffolding is in situ, however these other works are not the subject of the application for dispensation. The surveyor recommended that the works be completed as soon as possible to avoid further deterioration.
7. A specimen lease, supplemental lease and deed of variation were provided whereby the landlord covenants to maintain the structure and the tenant to contribute to the costs thereof via the service charge account.
8. Directions in respect of the application were issued on 19 October 2015 and requested that any Respondent who opposed the application should notify the tribunal no later than 2 November 2015 and send to the landlord a statement in response to the application and any documents upon which they wish to rely.
9. Two telephone and one written response confirming support for the application were received by the agent. No replies opposing the application for dispensation were received.
10. The Tribunal is satisfied that the Respondents do not oppose the application, that they have been given sufficient time to make their views known: and no evidence has been provided to demonstrate that these works were not urgent or that full consultation should be undertaken.
11. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine that the Respondents did not oppose the application for dispensation

Name: Evelyn Flint

Date: 18 November 2015