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

Case Reference : **LON/00AC/LDC/2016/0035**

Property : **1-24 Northgates, 445 High Road,
N12 0AR**

Applicant : **Termhouse (1/24 Northgates)
Management Company Limited**

Representative : **Samantha Lapworth, Senior
Property Manager**

Respondent : **The long Leaseholders of 1-24
Northgates**

Representative :

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Members : **Judge Samupfonda**

**Date and venue of
Hearing** : **5 May 2016
10 Alfred Place, London WC1E 7LR**

Date of Decision : **5 May 2016**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the Act”) for the dispensation of any or all of the consultation requirements. The property concerned is a purpose built block containing a number of flats.
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.

The background

3. The application was received on 23 March 2016. Directions were made dated 31 March 2016.

The hearing

4. In accordance with the Directions the matter was determined on the basis of written representations on 5 May 2016.
5. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.

The issues

6. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant's case

7. The Applicant has filed a bundle in accordance with the Directions. The Tribunal was informed that the roof is such that one of the top floor flats has experienced water ingress whilst other lessees have experienced dampness. A survey of the roof was carried out by the Garland Company UK, Ltd. The visual inspection identified that “the current waterproofing system is now in a generally poor/failed condition. There is evidence of air/moisture/water trapped within or beneath the waterproofing system.”
8. The Tribunal noted that the Respondent lessees of flats 24, 17 and 1 consented to remedial work being carried out and to the dispensation of the consultation requirements.
9. The Tribunal was informed that the works identified by the survey have not been carried out and that the Applicant was in the process of

preparing the Notice of Intention to carry out the work under s20 of the Act at the time of making the application.

10. The Applicant was concerned that complying with full consultation requirements would lead to delays leading to further water ingress and damage to the structure of the Building.

The Respondents' position

11. The Directions provided for the Respondents to indicate whether or not they consented to or opposed the application for dispensation and to serve a statement of case. As stated above the Tribunal received three responses in support of the application.

The Tribunal's decision

12. The Tribunal determines that an order for dispensation under section 20ZA of the Act shall be made dispensing with all of the consultation requirements in relation to the works outlined in the survey.

Reasons for the Tribunal's decision

13. The Tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
14. In making its decision the Tribunal had regard to the fact that the works were considered by the Applicant and three lessees who responded to be urgently required to deal with the water ingress and remedial work as identified by the survey. The photographs produced by the surveyors showed evidence of some disrepair to the roof.
15. The Respondents were given an opportunity to respond to the application and three informed the Tribunal that they did not object to the application. There were no representations made by the remaining Respondents. Given the circumstances, the Tribunal did not consider that the Respondents would be prejudiced by the grant of dispensation.
16. The Tribunal would stress that it is not making any assessment of the reasonableness of the charges and a challenge to those charges may be raised pursuant to section 27A of the 1985 Act in the future.

Name: Judge Samupfonda

Date: 5 May 2016