



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

Case Reference : LON/00AC/LDC/2016/0044

Property : Raffles House, 67 Brampton Grove,
London NW4 4 BU

Applicant : Raffles House Management
Company Limited (Lease-appointed
management company)

Representative : London Residential Management,
Managing Agents

Respondents : The long leaseholders of Flats 1 –
82 Raffles House

Representative : No appearance

Type of Application : Section 20ZA Landlord and Tenant
Act 1985; Dispensation with
requirements of Section 20

Tribunal Members : Judge Lancelot Robson
Mr F. L. Coffey FRICS

**Date and venue of
Determination** : 14th July 2016
10 Alfred Place, London WC1E 7LR

Date of Decision : 14th July 2016

DECISION

Decision Summary

- (1) The Tribunal decided to make an order as requested for dispensation from the requirements of Section 20 of the Landlord and Tenant Act 1985, under Section 20ZA of the Act.
- (2) The Tribunal made the other decisions noted below.
- (3) For the avoidance of doubt, as stated in the Directions, this application and decision does not concern the issue of whether any service costs will be reasonable or payable.

Preliminary

1. The Applicant, by an application dated 3rd May 2016, seeks dispensation from all/some of the consultation requirements imposed by Section 20ZA of the Landlord and Tenant Act 1985 relating to urgent brickwork repairs.
2. Extracts from the relevant legislation are attached as Appendix 1 below.
3. Pursuant to Directions of the Tribunal made on 12th May 2016 (reissued on 8th June 2016) a determination on the papers was fixed for 14th June 2016, based on the urgency of the works and the apparent willingness of the Respondents to have the consultation requirements dispensed with. The Respondents were served with notice of the Application and the Directions by the Applicant's agents on or before 13th June 2016. The Directions requested that any Respondent who wished to oppose the application should indicate that by letter or email with a copy to the Tribunal by 20th June 2016. None did so. Five Respondents wrote to the Tribunal supporting the application.
4. The Applicant's main bundle of documents was received by the Tribunal with the Application on 9th May 2016. A specimen lease of Flat 55 dated 2nd August 2007 was included.

Applicant's Case

5. The Applicant submitted that the property was a block of 82 flats on 4 floors. On 23rd March 2016, the Applicant's agents discovered that some brick "slips" had detached from the building at 3rd floor and roof levels and fallen onto the pavement below. Surveyors had been appointed who made an urgent site visit record on 24th March 2016, noting that numerous other "slips" were loose and in danger of falling. Emergency safety work had been carried out, including the erection of HERAS safety fencing and boarded scaffold tunnels to all external doors. A notice of intention to carry out works under Section 20 of the Landlord and Tenant Act 1985 was sent to the Respondents on 29th April 2016 to include the following works:

"Removal and replacement of all brick slips at high level on the building with all associated works"

The Applicants had also notified the Respondents by a notice on the Notice Board in the common parts, and at a Directors meeting of the Applicant on 12th April 2016.

6. As noted above, the main body of Respondents took no part at all in the application, although five Respondents took the trouble to write in support of the application.

Decision

7. The Tribunal noted that essentially its function under Section 20ZA was to decide if the work was urgent, or if otherwise it was reasonable to grant dispensation from the full consultation requirements of Section 20. No Respondent opposed the application. In the absence of any objection from the Respondents, the Tribunal decided to grant dispensation from the notice requirements in Section 20 relating the investigative and substantive remedial works to the defective brickwork affecting Raffles House, 67 Brompton Grove, London NW4 4BU as reported in the Site Visit Record dated 24th March 2016 by Earl Kendrick Associates, Surveyors, on the grounds that the work to be done was urgently required.
8. The Tribunal noted from the photographic and other evidence submitted to it that the danger of further brickwork falling from the building was serious, and thus constituted a continuing health and safety hazard, notwithstanding the protective works already carried out. Thus the dispensation granted extends to all works relating to the defective brickwork as recorded on 24th March 2016, and allows the Applicants to proceed with all necessary speed.

Tribunal Judge Lancelot Robson

14th July 2016

Appendix 1

Landlord & Tenant Act 1985

Section 20ZA Consultation requirements: supplementary

(1) Where an application is made to a [leasehold valuation tribunal] for a determination to dispense with all or any of the consultation requirements in relation to qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.