



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

**Case reference** : **LON/00AX/LDC /2016/0077**

**Property** : **Crown House Estate 165 Kingston  
Road New Malden Surrey KT3 3NA**

**Applicant** : **Paragon Community Housing  
Limited**

**Representative** : **-**

**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** : **21 September 2016**

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**DECISION**

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## **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 scaffolding erected on the southern elevation of Crown House.
2. The question of reasonableness of the remedial works or cost was not included in this application, the sole purpose of which is to seek dispensation in relation to the scaffolding.

## **Reasons for the Decision**

3. The Tribunal determines from the evidence before it that the erection of the scaffolding was urgent and necessary.

## **The Background**

4. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by Paragon Community Housing Limited on 18 July 2016.
5. The application concerns dispensation in relation to the erection of scaffolding to the southern elevation of Crown House following an incident when part of a concrete window surround fell onto a balcony below. The scaffolding was erected for safety reasons and to allow a proper inspection of the other concrete window and door surrounds to ascertain the cause of the defects and correct remedial action required.
6. Crown House is situated on a busy main road and comprises a 6 storey purpose built block of offices which was refurbished and converted to flats approximately 10 years ago. The building is divided into two blocks totalling 68 flats. The south elevation is brick clad; each window opening has a precast concrete surround and some door openings onto balconies have concrete lintols and reveals.
7. A report was commissioned from Bradbrook Consulting, a firm of structural engineers, in respect of the concrete window and door surrounds. The inspection was carried out utilising the scaffolding. It was reported that most of the window surrounds had failed; some of the top window surrounds had already failed and collapsed.
8. The applicant confirmed that full consultation in respect of the works will be undertaken in the usual way.
9. No consultation procedure in accordance with Section 20ZA(5) Landlord and Tenant Act 1985 has been commenced.

10. A specimen lease was provided. At clause 5.3 *the landlord covenants to “maintain repair redecorate renew and improve: the roof foundations and main structure of the building and all external parts ....the windows and doors on the outside of the flats”*. The costs are to be included in the service charge account which the tenant covenants to pay under clause 3.2.2 of the lease.
11. Directions in respect of the application were issued on 5 August 2016 and requested that any Respondent who opposed the application should notify the tribunal no later than 2 September 2016 and send to the landlord a statement in response to the application and any documents upon which they wish to rely.
12. Responses were received from the lessees of three flats opposing the application for dispensation.
13. The Tribunal is satisfied that the majority of Respondents do not oppose the application, that they have been given sufficient time to make their views known: that in the interests of Health and Safety it was appropriate to erect the scaffolding and no evidence has been provided to demonstrate that the erection of scaffolding was not urgent or that full consultation should be undertaken.
14. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine the application for dispensation be granted.

**Name:** Evelyn Flint

**Date:** 21 September 2016