



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

Case Reference : **MAN/OOEM/LDC/2014/0019**

Property : **Knoll Avenue, Darlington DK3 8PT**

Applicant : **Town & City Management Limited on behalf of Knoll Avenue Management Company Limited**

Respondents : **Leaseholders of apartments at the Property**

Type of Application : **Landlord & Tenant Act 1985 – Section 20ZA**

Tribunal Members : **Laurence Bennett (Tribunal Judge)
Jonathan Holbrook (Tribunal Judge)**

Date of determination : **21 January 2015**

DECISION

Application

1. Town & City Management Limited applies to the Tribunal under Section 20ZA of Landlord and Tenant Act 1985 (the Act) on behalf of Knoll Avenue Management Company Limited for dispensation from the consultation requirements of Section 20 of the Act and the Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987) in respect of roofing works at the Property.
2. The Respondents are Leaseholders of apartments at the Property.

Grounds and Submissions

3. The application was received by the Tribunal on 9 December 2014.
4. The Applicant is the Manager of the Property appointed by the Freehold Owner.
5. On 10 December 2014, Judge Bennett made directions which provided that in the absence of a request for a hearing the application would be determined upon the parties' written submissions.
6. The Property is a purpose built block comprising apartments and maisonettes.
7. The Applicant stated in the application form that the work is required to rectify defects and deterioration to the roof causing water penetration into an apartment.
8. Further information provided in response to directions gave details of investigation, a quotation for the works and a statement pointing out: "As the season of bad weather is approaching fast I advise that in order to minimise any further damage the works need to be completed as soon as possible."
9. The Applicant has not consulted Leaseholders.
10. The Tribunal did not receive submissions from a Respondent. Neither the Applicant nor a Respondent requested a hearing.
11. The Tribunal convened without the parties to make its determination on 21 January 2015.

Law

12. Section 18 of the Act defines "service charge" and "relevant costs".
13. Section 19 of the Act limits the amount payable by the lessees to the extent that the charges are reasonably incurred.
14. Section 20 of the Act states:-
"Limitation of service charges: consultation requirements
Where this Section applies to any qualifying works..... the relevant contributions of tenants are limited..... Unless the consultation requirements have either:-
 - a. complied with in relation to the works or
 - b. dispensed with in relation to the works by a leasehold valuation tribunal.This Section applies to qualifying works, if relevant costs incurred on carrying out the works exceed an appropriate amount".

15. "The appropriate amount" is defined by regulation 6 of The Service Charges (Consultation Requirements) (England) Regulations 2003 (the Regulations) as "..... an amount which results in the relevant contribution of any tenant being more than £250.00."
16. Section 20ZA(1) of the Act 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."

Tribunal's Conclusions with Reasons

17. We considered the written evidence accompanying the application.

Our conclusions are:-
18. It is not necessary for us to consider at this stage the extent of the service charges that would result from the works payable under the terms of the Respondent's leases. If and when such is demanded and if disputed, it may properly be the subject of a future application to the Tribunal.
19. We accept from the nature of the work to prevent continuing water ingress at this time of year it is necessary for it to commence without delay. The lack of repair has potential to impact on the health, safety, utility and comfort of occupiers and visitors to the apartments at the Property.
20. Although no form of consultation has taken place nor is there evidence that information has been given to the Respondents, we have not identified a specific prejudice to them in the circumstances. Dispensation from consultation requirements does not imply that the resulting service charge is reasonable.
21. We conclude it reasonable in accordance with Section 20ZA(1) of the Act to dispense with the consultation requirements, specified in Section 20 and contained in Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987).
22. Nothing in this determination or order shall preclude consideration of whether the Applicant may recover by way of service charge from the Respondents any or all of the cost of the work undertaken or the costs of this application should a reference be received under Section 27A of the Landlord and Tenant Act 1985.

Order

23. The Applicant is dispensed from complying with the consultation requirements in respect of the work specified in the application.



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

Case Reference : **MAN/00BN/LIS 2014/0005**

Property : **12, The Sanctuary, Park Mews,
Hulme, Manchester M15 5TR**

Applicant : **The Riverside Group Limited**

Respondent : **Mr.A.J.Andrzejczuk**

**Type of
Application** : **Respondent's application for
permission to appeal**

**Tribunal
Members** : **Mrs.C.Wood
Mr.D.Pritchard**

**Date of
Decision** : **22 January 2015**

Leave to Appeal Decision

DECISION

1. The Tribunal does not consider it appropriate to review the Decision in accordance with Rule 53 of the The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
2. The Tribunal refuses the Respondent's request to appeal the decision dated 19 December 2014.

BACKGROUND

3. The Tribunal has considered the Respondent's request for leave to appeal the Decision as set out in the e-mail dated 7 January 2015 from the Respondent, ("the Request for Leave").

GROUND OF APPEAL

4. In the Request for Leave the Respondent states that, in respect of the Decision, "...it looks like the decision has gone against me, therefore I would like to appeal the decision".

REASONS

5. The Request for Leave does not contain any valid ground of appeal, and the Tribunal determines that there are no grounds to review the Decision or to grant leave to appeal.