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

Case Reference : **LON/00AY/LDC/2016/0059**

Property : **128 Christchurch Road, London,
Sw2 3DF**

Applicant : **Orchidbase Limited**

Representative : **Michael Richards & Co – managing
agents**

Respondents : **The Seven Long Lessees of the flats
at 128 Christchurch Road**

Representative : **None**

Type of Application : **Section 20ZA Landlord and Tenant
Act 1985 – dispensation with the
need to comply with section 20 of
the Act in relation to roof repairs
which have been carried out**

Tribunal Member : **Judge John Hewitt
Mr W Richard Shaw FRICS**

**Date and venue of
Determination** : **24 August 2016
10 Alfred Place, London WC1E 7LR**

Date of Decision : **25 August 2016**

DECISION

Decision of the tribunal

1. The tribunal determines that the need for the applicant to consult with the respondents pursuant to section 20 of the Act in respect of repairs to the roof carried out by Perlus Property Services Ltd and the subject of an estimate dated 27 April 2016 and an invoice dated 28 June 2016 issued by that company ('the Works') shall be dispensed with.
2. The reasons for our decision are set out below.

Procedural background

3. The tribunal received an application dated 15 June 2016 from the applicant landlord pursuant to section 20ZA of the Act. The application related to roof repairs (the Works) which had been carried out by the applicant at a cost of £3,200 + 10% supervision fee + VAT, a total of £4,224.00.
4. The reason for the application was said to be that in April 2016 the applicant had commenced a section 20 consultation exercise in respect of proposed external repairs and decoration works to include a replacement of the rear flat roof covering. This was partly as a result of the tenant of the top floor flat, flat 5, having reported water ingress into that flat through a roof leak. Evidently on 10 June 2016 the ceiling of the kitchen area of flat 5 collapsed due to a further ingress of water from the roof. The decision was taken to halt the section 20 consultation process and the applicant provided funds so that the necessary works of repair to the flat roof could be carried out urgently.
5. Competitive estimates had already been obtained and the contract was placed with Perlus Property Services Limited. The works were completed on 29 June 2016 following a final inspection by the property manager employed by Michael Richards & Co who had supervised the project throughout.
6. We have been told that the property comprises seven self-contained flats all of which have been sold off on long leases with each lessee obliged to contribute to the costs of repairs and maintenance. Those lessees are the seven respondents. We have also been told that the respondents were informed of what the applicant proposed to do and were also informed of the intention to make this application.
7. Directions are dated 23 June 2016. The parties were informed of the intention of the tribunal to determine the application on the papers without an oral hearing. The parties were reminded of their right to request an oral hearing.

Direction 2 of the directions required the applicant to serve on each respondent copies of the application form, a statement of case and the directions. By letter dated 5 July 2016 Michael Richards & Co confirmed that this had been done.

8. None of the respondents has informed the tribunal that they wish to oppose the application.
9. The tribunal did not receive any request for an oral hearing.

The law

10. Section 20ZA of the Act provides that a tribunal may make a determination that all or any of the consultation requirements imposed by section 20 of the Act shall be dispensed with if it is satisfied that it is reasonable to dispense with those requirements.

Reasons

11. In the circumstances of this case we find that it is reasonable to dispense with all of the consultation requirements of section 20 in relation to the Works. The urgency to proceed with the Works was driven following the collapse of the kitchen ceiling in flat 5. The section 20 consultation process was underway at that time and competitive quotes for roof repair works were to hand. We consider that it made sense to proceed with urgency and that to do so was in accordance good estate management practice.
12. We are satisfied on the evidence before us that all the respondents have been kept informed of the need for the works and the carrying out of them. In conformity with directions the applicant was to notify the respondents of these proceedings. The applicant's managing agent has confirmed to the tribunal that direction 2 has been complied with. On this evidence we are also satisfied that the respondents have been provided with the directions. None of the respondents have notified the tribunal that the application is opposed.
13. In these circumstances we have made a determination to dispense with the consultation requirements in respect of the Works. We make it plain that in doing so we only determine that the applicant need not consult in relation to the Works. We make no determination on the reasonableness of the scope or cost or quality of the Works. These are all matters which may be challenged by any of the respondents in due course and at the appropriate time; should they wish to do so.

Judge John Hewitt
25 August 2016