

11958



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

Case Reference : **LON/00AW/LDC/2016/0133**

Property : **14-18 Sloane Court East, London SW3
4TG**

Applicant : **14-18 Sloane Court East Limited**

Representative : **Warwick Estates**

Respondents : **The long lessees of the flats at 14-18
Sloane Court East, London SW3 4TG**

Representative(s) : **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 dry rot works which have
been carried out**

Tribunal Members : **Judge John Hewitt
Mr Hugh Geddes Professional Member**

**Date and venue of
determination** : **25 January 2017
10 Alfred Place, London WC1E 7LR**

Date of Decision : **30 January 2017**

DECISION

Decisions 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 dry rot chemical treatment works (the Treatment Works) carried out in flat K by Swiftcure Limited as referred to in a report by that company dated 30 September 2016 and the associated building works (the Building Works) shall be dispensed with.

NB Later reference in this Decision to a number in square brackets ([]) is a reference to the page number of the hearing file provided to us for use at the hearing.

Procedural background

3. The applicant made an application pursuant to section 20ZA of the Act in respect of the Works.
4. Directions were given on 28 November 2016. Those directions required the applicant to serve a series of documents on the respondents, including a set of the directions and a reply form for any respondent to send in if he or she opposed the application. No such forms have been received by the tribunal.
5. The directions also notified the parties that the tribunal proposed to determine the application on the papers and without an oral hearing unless a party requested an oral hearing. The tribunal has not received any such request.
6. The tribunal has received an email from Robert Cox of Warwick Estates. It dated 5 December 2016 and confirms that the documents mentioned in direction 4 have been sent to each respondent.
7. The tribunal has received a small bundle of documents in compliance with direction 5.

General background

8. It became apparent that there might be a dry rot problem affecting flats H and K. The applicant procured a report from Swiftcure Limited. It is dated 30 September 2016 [30]. That report recommended chemical treatment works be carried out. In order that such works could be carried out associated exposure works, necessary timber repair works and making good would be required.

9. The applicant obtained estimates/budget costs as follows:

Treatment Works: Swiftcure £1,310.00 + VAT

Building Works: KBK Property Services £9,500.00 + VAT
Gateway 24 £8,950.00 + VAT

10. The Treatment Works and the Building Works were carried out in December 2016. In the course of those works a water leak due to poor

flashing and pointing became apparent and Gateway 24 estimated a cost of £290 + VAT to deal with it.

11. The advice given to the applicant was that the Treatment Works, and of necessity, the Building Works were required to be carried out with urgency.

The law

12. The starting point is that by section 20 of the Act a landlord is obliged to consult with lessees where the contribution to works by a lessee will exceed £250.
13. 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 shall be dispensed with if it is satisfied that it is reasonable to dispense with those requirements.

Reasons

14. In the circumstances of this case we find that it is reasonable to dispense with all of the requirements of section 20 in relation to the Treatment Works and the Building Works. The case for urgency to proceed is made out.
15. 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 4 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.
16. In these circumstances, we have made a determination to dispense with the consultation requirements in respect of the Treatment Works and the Building Works. We make it plain that in doing so we only determine that the applicant need not consult in relation to those Works. We make no determination on the reasonableness of the scope or cost or quality of the Treatment Works or the Building 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
30 January 2017