



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY) AT 10
ALFRED PLACE, WC1E 7LR**

Case reference : LON/00AG/LDC/2021/0078

HMCTS code : P: PAPERREMOTE

Property : Republic Court, 75 Prince of Wales
Road, London NW5 3LT

Applicant : Kyte Land & Property Limited

Representative : Quinta Law LLP

Respondent : Various lessees as per 'List of
Respondents'

Representative : N/A

Type of application : Section 20ZA of the Landlord and
Tenant Act 1985 - dispensation

Tribunal member : Judge Tagliavini
Mr P Roberts DipArch RIBA

Date of decision : 28 June 2021

DECISION

Covid-19 pandemic: description of hearing

This has been a remote paper hearing which has been consented to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because it was not practicable, and all issues could be determined in a remote hearing. The documents that the tribunal was referred are contained in the applicant's bundle, pages 1 to 354 and Index.

The tribunal's summary decision

- (1) The tribunal grants the applicant dispensation from consultation in respect of the works identified in the quotation of Allprop Property Maintenance dated 24 March 2021, to repair the falling masonry and other parts of the exterior and structure of premises situate at Republic Court, 75 Prince of Wales Road, London NW5 3LT ('the Premises') and as set out in the various invoices relating to the carrying out of those works.
 - (2) The tribunal makes no determination in respect of the payability or reasonableness of the legal costs said to have been incurred by the applicant in making this application.
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The application

1. This is an application made by the landlord under section 20ZA of the Landlord and Tenant Act 1985 seeking dispensation for all consultation in respect of works of repair to the structure and exterior of the said Premises which comprise 7 residential flats over 3 floors.

Background

2. The application has been made and is said to be urgent due to masonry falling from the Premises. The London Fire Brigade had attended the Premises on 14 February 2021 having apparently been alerted by a leaseholder of falling masonry. Subsequently, the applicant received a letter dated 19 February 2021 from the Building Control Department of the London Borough of Camden. This letter was issued under Part VII of the Dangerous and Neglected Structures of the London Building (Amendment) Act 1939 and referred to falling masonry and the possibility of serving a dangerous structure notice on the applicant.
3. The applicant obtained a quotation from Allprop Property Maintenance dated 24 March 2021, in which the use of scaffolding to carry out emergency repair

works to the structure and exterior were identified and likely to cost £16,555 plus VAT with a contingency of £2000-£3000 plus VAT for urgent roof works.

4. Subsequently, works to the Premises were carried out by Allprop Property Maintenance as per the invoices dated 12 March 2021, 8 April 2021, 30 April 2021, 07 May 2021, 21 May 2021, 25 May 2021 totalling £26,286.00 (including VAT). As well as works of repair to the exterior works of making good/redecoration were also carried out.
5. On 19 April 2021, the tribunal gave directions as to the progression of this application and the lessees were provided with an opportunity to inform the applicant and the tribunal of their agreement or objections to this application.

The respondent's case

6. Email correspondence was received from a number of lessees, copies of which were included in the applicant's bundle of documents. None of the lessees objected to the works being carried out without consultation but raised concerns as to the cost of these works and how they would be charged to the leaseholders or queried if their cost could be recovered through the building insurance policy.

The tribunal's decision and reasons

7. The tribunal is satisfied that the works identified in the application and as set out in the quotation of Allprop Property Maintenance were urgent and reasonable in order to prevent injury to leaseholders or members of the public passing below the Premises.
8. In the absence of any objections to the application for dispensation by the leaseholders and in light of the nature of the works required, the tribunal determines it is reasonable and appropriate to grant the dispensation sought by the applicant in the application and as specified in the invoices of Allprop Property Maintenance as detailed above.

Costs

9. The applicant requested in an email dated 22 June 201, that the tribunal also determine that legal costs in the sum of £2,615.20, incurred as a consequence of making of this application can be claimed from the lessees. The tribunal makes no determination on this issue, as the application before the tribunal concerns only the dispensation of consultation to carry out works and not the reasonableness of the cost of those works or any associated (legal) costs even if provided for under the terms of the leases.

Rights of appeal from the decision of the tribunal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e., give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).