



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

Case Reference : **LON/00BJ/LDC/2022/0043**

Property : **56 Ramsden Road, Balham,
London SW12 8QZ**

Applicant : **Together Property Management
Managing Agents**

Representative : **Nick Hirstov**

Respondent : **3 Leaseholders of 56 Ramsden
Road, Balham, London SW12 8QZ**

Representative : **Not known**

Type of Application : **An application under section 20ZA
of the Landlord and Tenant Act
1985 for dispensation from
consultation prior to carrying out
works**

Tribunal Members : **Mr I B Holdsworth FRICS MCI Arb**

**Date and venue of
Hearing** : **Remote hearing on 19 April 2022**

Date of Decision : **19 April 2022**

DECISION

Decisions of the Tribunal

The Tribunal determines that retrospective dispensation should be given from the consultation requirements in respect of the specific works undertaken to repair the main roof to the building, (defined as the “Roof Works”) at 56 Ramsden Road, Balham, London SW12 8QZ as required under s.20ZA of the Landlord and Tenant Act 1985 (“the Act”) for the reasons set out below.

The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) to retrospectively dispense with the statutory consultation requirements associated with carrying out necessary and essential roof repair works, “**the Roof Works**”, to 56 Ramsden Road, Balham, London SW12 8QZ “**the property**”.
2. An application was received by the First-tier Tribunal dated 22 February 2022 seeking dispensation from the consultation requirements. Directions were issued on the 25 February 2022 to the Applicant. These Directions required the representatives for the Applicant to advise all Respondents of the application and provide them with details of the completed works.
3. The relevant legal provisions are set out in the Appendix to this decision.

The hearing

4. This matter was determined by written submissions. The Applicants submitted a bundle of relevant materials to the Tribunal.
5. No submissions are received from the Respondents.

The background

6. The property which is the subject of this application is a two storey end terraced house converted into three self-contained flats. The Tribunal are told this end terraced period property is built of solid brickwork beneath a pitched and slated roof.
7. Together Property Management the Applicants representative and managing agent, explain in their Statement of Case that the first-floor flat suffered from water ingress caused by a defective roof covering.

8. The water ingress was reported by the tenant in August 2021. The Tribunal are told the managing agents instructed an inspection of the roof covering and guttering on 19 August 2021. The contractors report confirmed the cause of the roof leak as defective guttering and eaves boarding. They also specified that any repair works would require the supply and erection of scaffolding to access the roof safely.
9. The managing agent obtained a single quote for the Roof Works from Hamilton Roofing at a price of £1,638 inclusive of VAT. This quotation was accepted by the managing agents and the contractor was instructed to undertake the repairs. The Tribunal understand the Roof Works were completed by 17 September 2021.
10. The Applicant contends that the repairs were needed urgently for the following reasons:
 - Rainwater was penetrating the first-floor flat and this posed a health and safety risk to the tenants;
 - Any delay in rectifying the rainwater leak could have led to further damage to the building, particularly the upper-floor flat; and
 - Further delay to undertaking the roof works may have increased the probability of consequential damage to the remainder of the building.
11. This determination relies upon a bundle of papers which included the application, the Directions, a Statement of Case and copy of a specimen lease.
12. The only issue for the tribunal to consider is whether or not it is reasonable to dispense with the statutory consultation requirements in respect of the Roof Works. **This application does not concern the issue of whether any service charge costs are reasonable or payable.**

The determination

13. The Tribunal has considered the papers lodged. There is no objection raised by the Respondents, either together or singularly.
14. There was a demonstrated need to carry out the works urgently to prevent penetrating water through the failed roof covering and defective guttering. The Tribunal concur with the Applicant that any delay to undertaking the roof works may have put at risk the well-being of the first-floor tenants. The timely response to the report of the roof

defect was also likely to mitigate the extent of damage to the building and the eventual remedial works costs.

15. The Tribunal is satisfied that the works were of an urgent nature and they are for the benefit of and in the interests of both landlord and leaseholders in the Property.
16. They were unable to identify any prejudice caused to the tenants by the lack of consultation. It is for these reasons the Tribunal is satisfied it is appropriate to retrospectively dispense with the consultation requirements for the Roof Works at a cost of £1,638 inclusive of VAT.
17. **It is the Applicant's responsibility to serve a copy of the Tribunal's decision on all Respondent leaseholders listed on the Application.**
18. **This decision does not affect the right of the Respondents to challenge the costs, payability or the standard of work should they so wish.**

Valuer Chairman: Ian B Holdsworth

Date: 19 April 2022

Appendix of relevant legislation

Section 20 of the Act

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—
 - (a) complied with in relation to the works or agreement, or
 - (b) dispensed with in relation to the works or agreement by (or on appeal from) a leasehold valuation tribunal.
- (2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.
- (3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.
- (4) The Secretary of State may by regulations provide that this section applies to a qualifying long-term agreement—
 - (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
 - (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
 - (a) an amount prescribed by, or determined in accordance with, the regulations, and
 - (b) an amount which results in the relevant contribution of any one or more tenants’ being an amount prescribed by, or determined in accordance with, the regulations.
- (6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.
- (7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined.

Rights of appeal

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).