

RESIDENTIAL PROPERTY TRIBUNAL (WALES)
LEASEHOLD VALUATION TRIBUNAL (WALES)

DECISION AND REASONS OF LEASEHOLD VALUATION TRIBUNAL (WALES)
LANDLORD AND TENANT ACT 1985 s. 20ZA

TRIBUNAL AVS. LOBLEY (CHAIR)
C. TROTMAN-JONES MRICS

IN THE MATTER OF AN APPLICATION UNDER SECTION 20ZA OF THE LANDLORD
AND TENANT ACT 1985 DATED 1ST AUGUST 2012

APPLICANT TAI CALON COMMUNITY HOUSING

PROPERTY 3 AND 5 TRENANT HILLTOP EBBW VALE NP23 6QB

RESPONDENTS DJ SNELLGROVE
S BULL

ORDER

The application to dispense with consultations requirements is granted.

27th September 2012

REASONS

1. An application was made on 1st August 2012 pursuant to section 20ZA of the Landlord and Tenant Act 1985 (the Act), in respect of works to be carried out to the building in which flats 3 and 5 are situated, namely replacement of the roof and removal of the chimney stack, due to severe water ingress to flat 4 which is above flat 3. The new roof is required to prevent further damage to the property, a purpose built block of flats probably originally constructed circa 1950.
2. Flat numbers 3 and 5 are each owned by the Respondents under leases granted for a term of 125 years from 1990 from Blaenau Gwent Borough Council. The freehold was assigned to the Applicant, Tai Calon Community Housing (Tai Calon) on 26th July 2010. The second floor flats, numbers 4 and 6, are held on assured tenancies. The leases in respect of numbers 3 and 5 require the landlord to maintain and keep in repair the structure and exterior of the property and the building and to make good any defects affecting the structure. The landlord can recover the cost through the service charge clause.
3. Tai Calon wrote to the Respondents in June 2012 informing them that Tai Calon was urgently required to reroof the building due to major water ingress. Both Respondents agreed the replacement of the roof was urgent and consented to dispense with the consultation requirements of Section 20 of the Act.

4. The Tribunal inspected the building and interior of Flat 4 on 27th September 2012 and met Mr. Andre Hedges and Mr. Paul Winterton of Tai Calon, who had arranged for the internal inspection. Both Respondents were at the property though did not take part in the inspection. It was evident that water had been tracking though the ceiling and penetrating at the junction of the wall plate and roof line in the rear bathroom. Water had also been running down the outside of the door frame of the bathroom of flat and ponding in the hallway. The Tribunal was informed by the tenant that water was also coming through in the rear bedroom although there was no visible staining to wall/ceilings. The inspection confirmed that there had been substantial water ingress which has caused deterioration to internal plaster finishes which was particularly bad in the bathroom area. External inspection confirmed that there was substantial deterioration to the ridge tiles which were noted to be crumbling and distortion was noted in part to the main tiled roof with tiles out of alignment. Inspection of the roof space revealed the roof felt was substantially worn and had been patch repaired in previous years, daylight could be seen through parts of the felt where roof tiles had distorted.
5. Tai Calon had obtained three quotations for replacement of the roof from three of their approved suppliers and had approved the quotation from Ralphy Roofing Limited which was the lowest tendered price. The Tribunal are satisfied from its inspection that the roof indeed needs urgent repair to prevent further deterioration to the flat immediately below. The Tribunal is satisfied that it is reasonable to dispense with the statutory consultations requirements in respect of the replacement of the roof of the building.

Dated 3rd October 2012



A Lobley Chair