

**Residential Property Tribunal for Wales
Y Tribiwnlys Eiddo Preswyl
Leasehold Valuation Tribunal**

Case Reference : LVT/0041/10/24

Property : 57-67 Ffordd Garnedd, Y Felinheli, LL56 4QY

Applicant : Port Dinorwic Yacht Harbour
Residential Estate Ltd (PDYHRE)

Respondents : Leaseholders of Ffordd Garnedd, LL56 4QY
Ffordd Glyder, LL56 4QX
Ffordd Siabod, LL56 4XA

Type of Application : Landlord & Tenant Act 1985 – Section 20ZA

Tribunal Members : Judge Caroline Hunter
Tribunal Member David Evans
Tribunal Member Hywel Jones

Date of Decision : 26 February 2025

DECISION

Summary Decision

1. Pursuant to section 20ZA of the Landlord and Tenant Act 1985, the Tribunal grants dispensation from the consultation requirements in s.20 of the Act.

Application

2. This application has been made by PDYHRE (the applicant) for dispensation from the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 ('the Act') regarding work to deal with the failure of the roof on a block of flats at the Portdiorwic Yacht Harbour Residential Estate. The applicant considered that the works were needed to be carried out urgently.
3. Directions were first issued on 28 November 2024 and amended on 3 December 2024. The Directions were amended after an objection to the application by one of the leaseholders was withdrawn. Further to the Directions, the applicant provided a bundle of documents. In accordance with the Direction the applicant indicated that they are happy for the matter to be determined upon the papers.

The Law

4. Section 20 of the Act limits certain service charges unless the consultation requirements in the section are complied with or dispensed with under section 20ZA is received. Section 20ZA provides:
 - (1) Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

The Facts

5. The Portdiorwic Yacht Harbour Residential Estate (the estate) is located in around 10 acres of land comprising 120 freehold properties and 76 leasehold properties. The applicant is the freehold owner of the leasehold properties and of the common parts and is responsible for collection of the service charges in accordance with the terms of the leases and of the amenity leases for the freehold properties. The leases are for term of 999 years from 24 June 1978. The leaseholders are the shareholders in the applicant company.
6. The applicant has been carrying out a long-term refurbishment of the 14 blocks of flats on the estate since 2017. This application is for one of the blocks (57 – 67 Ffordd Garnedd) that has not yet been refurbished. In that block there has been a failure of the roof which is now causing water ingress into the flat on the top floor.
7. We have been provided with emails from the leaseholder of the top floor flat complaining about the ingress with photos of the mould. The issue has been on-going since 2022, but a new set of emails from July 2024 indicates that the roof was leaking again.

8. At a meeting of the directors of PDYHRE on 20 September 2024 the problem of 57 – 67 Ffordd Garnedd was discussed. Two contractors had been approached for the works but only one had quoted. The one who had quoted was the contractor for the earlier refurbishment work on the Estate. The directors noted that the refurbishment of the block is more cost-effective in the long-term with a potential saving of £30K mainly from scaffolding costs.
9. The applicant decided to move forward with the complete full external refurbishment of the block without consultation. On 14 October 2024 the leaseholders were informed of the decision with details of the contractor (the contractor for the earlier phases of the refurbishment). The total quotation for the works was £161,400. To complete the work to the roof only was £71,816.
10. The works were commenced on 9 October 2024 and was planned to be completed on 20 December 2024.

Reasons to dispense with the consultation requirements

11. The application set out the reasons seeking to dispense with the consultation requirements. These include:
 - a. The advice received by the applicant that the whole roof needs to be replaced to rectify the problem;
 - b. The advice that the applicant has received that undertaking the roof works only and postponing the other external works will cost about £30,000 in total.
 - c. The approaching winter.

Decision

12. In the light of the facts and the argument made by the applicant our decision is that the consultation requirements are dispensed with.
13. The only issue for the Tribunal to determine is whether it is reasonable to dispense with the consultation requirements. Accordingly, none of the parties should take this as an indication that the Tribunal views the amount of anticipated service charges resulting from the works likely to be reasonable or indeed such charges will be payable by the Respondents. The Tribunal makes no finding in that regard.

26 February 2025

Caroline Hunter (Chair)