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Residential  
Property  
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**LONDON RENT ASSESSMENT PANEL**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL  
ON AN APPLICATION UNDER SECTIONS 20ZA OF THE  
LANDLORD AND TENANT ACT 1985**

**Case Reference:** LON/00AG/LDC/2013/0009

**Premises:** Parliament Court, Parliament Hill  
London NW3 2TS

**Applicant:** Parliament Court Residents' Company

**Representative:** Tina Tant at Martin Russell Jones Chartered  
Surveyors

**Respondents:** The Leaseholders as Listed in the Schedule  
attached to the Application

**Representative:** None

**Date of Paper  
Determination:** 5<sup>th</sup> March 2013

**Date of Directions:** 19<sup>th</sup> January 2013

**Leasehold Valuation  
Tribunal:** Mr S. Shaw LLB (Hons) MCI Arb  
Mr N Martindale FRICS

**Date of Decision:** 5<sup>th</sup> March 2013

## **DECISION**

1. This case involves an Application received on 11 January 2013, in which Parliament Hill Residents' Company ("The Applicant") seeks an order for the dispensation of all or any of the consultation requirements of section 20 of the Landlord and Tenant Act 2005. The Property concerned is Parliament Court Parliament Hill London NW3 2TS ("the Property") and is made against the various leaseholders listed in the schedule attached to the Application ("The Respondents").

2. The Tribunal directed that this case was appropriate to be dealt with on paper, without the need for attendance by the parties. An opportunity was however given for any party to request an oral hearing. No such request was received, and thus this determination is made on the basis of the written representations.

3. The issue in the case is whether the consultation requirements of section 20 of the Act should be varied or dispensed with, given that the Applicant asserts that there was an urgent requirement to carry out plumbing works at the property. The mains water supply to 6 of the 36 flats had been damaged and needed replacement.

### **The Applicant's Case**

4. The Property consists of 6 blocks of purpose built flats, each block containing 6 flats, thus 36 flats in all. A horizontal water mains supply pipe runs the length of the block and each individual has a vertical 'up service' that supplies a water tank and 'down service' that supplies water to the floors. Due to the age of the block these pipes are lead. In block 7-12 the down-pipe from the water tank burst, resulting in the water being switched off from the tank. This caused the 'up supply' also to burst which resulted in the entire section (flats 6-12) being without water and with no way to restore the supply.

As a result of the fact that the pipes were lead, a new mains pipe was installed. The lessees/ residents of block 7-12 were moved out of their flats into local hotels. The work to install the new mains took place between 8 October 2012 and 15 October 2012.

5. One estimate was sought and obtained by Louise Tant, agent for the applicant, from WS Builders and Maintenance Ltd.. The works estimated for were 'Plumbing Works' to take between 7 and 10 days with 4 plumbers drilling through the balconies to run new water supplies to all 6 flats, re-pipe flats internally where necessary, and connect to a new water mains pipe, and to leave them tested and working correctly. A price of £9750 allowing a further provisional sum of £2000 for additional works, £11750 in all, was estimated. The works would not include any making good within individual flats.

6. It appears to the Tribunal that no other estimates from other contractors were requested for these works, and that the works were completed during the dates referred to in the estimate from WS Builders and Maintenance Ltd..

7. The Applicant's position is that the absence of any mains water supply to 6 flats meant that those occupiers had to move out temporarily, but to minimise the disruption the work was carried out as soon as possible. Although most of the 36 residents were informally aware of the need for the new water main for one block, the full extent or cost of the works as estimated by WS Builders and Maintenance Ltd was not consulted upon, at the time, by the landlord. The reason given by the applicant for no formal consultation, was the urgency of the works.

### **The Respondents' Case**

8. No Respondent leaseholders objected to this Application for dispensation and 6 of the 36 Respondents have confirmed to the Tribunal, their support for this Application.

## **Conclusion of the Tribunal**

9. The Tribunal has taken into account the need for urgency in carrying out the works. Should any Respondent later have concerns about the cost and/or quality of the work undertaken these can be pursued, if so desired, by a separate application under section 27A in respect of reasonableness of service charges for the relevant accounting period. This Decision makes no finding in that regard, but only in respect of whether or not it is reasonable to dispense with the relevant consultation provision. Given the clear evidence of a Health & Safety risk, and the unsatisfactory nature of the temporary arrangements for accommodating residents elsewhere, the Tribunal is satisfied that it is reasonable to make such an order. Accordingly the Dispensation Order as requested by the Applicant is made.

**Legal Chairman:**

**S SHAW**



**Dated:**

**5<sup>th</sup> March 2013**