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

Case Reference : LON/00BK/LDC/2013/0144

Property : Flats 1 – 4 Gayfare Street, London
SW1P 3HP

Applicant : Salley Louise Marlow & Matthew
Durdy

Representative : Urban Owners Limited

Respondent : Dean Aaron Godson (Flat 1)
James & Susan Black (Flat 2)
Mrs. & Mrs. I Melland (Flat 3)

Representative : None Known

Type of Application : S.20ZA Landlord & Tenant Act 1985

Tribunal Members : Ms. A. Hamilton-Farey LLB, FRICS,
FCIArb

**Date and venue of
Hearing** : 10 Alfred Place, London WC1E 7LR

Date of Decision : 18 February 2014.

DECISION

Decisions of the tribunal

1. The Tribunal refused dispensation from the remaining consultation requirements under S.20 of the Landlord & Tenant Act 1985 in relation to works to re-site gas meters and stop cocks in the property from inside Flat 4 into a communal store cupboard.
2. The Tribunal makes no determination on whether or not the works, if carried out, would be of a reasonable standard or undertaken at a reasonable cost.

The application

3. The Tribunal received the application on behalf of the landlords on 11 December 2013 and issued Directions on the 13th.
4. The applicants say that, for some time the problem of having gas meters and stop cocks within the demise of the basement flat was well known and that it was the intention of the freeholders to remove these to a communal area when works of external repair and maintenance were to be carried out.
5. It appears that the applications have sought advice and have produced a quotation from the National Grid ("the Grid"), dated 6 August 2013 in relation to the removals.
6. The Tribunal has been informed that various discussions have been held between the residents, with only one requesting further details of the proposals, and this included a question as to why other providers had not been contacted. The agents subsequently responded to say that it would not be practical for another contractor to be used due to any complication that might arise during the works and which might need the intervention of the Grid. By using the Grid in the first instance this would negate any of those problems.
7. The Tribunal's Directions required any lessee who wished, to return a reply slip identifying whether or not they agreed to dispensation being given. Two were returned, both of which supported the application.

Reasons for the Decision:

8. The Tribunal is not satisfied from the timetable of events that full consultation could not have been undertaken. On the applicants' own evidence they were aware of the problem in October 2012 and

had obtained advice on remedial action, but this was not circulated to other residents until October 2013.

9. The Tribunal is also not satisfied that the quotation from the Grid is still valid, and that another Utility Infrastructure Provider (UIP) could not have been requested to provide a price. The quotation from the Grid itself states that alternatives could be obtained and provided information on how this could be done.
10. The applicants have not provided any evidence to suggest that complications might arise that could only be addressed by the Grid and that any competent contractor could not carry out the works, to the required standard.

For the above reasons the Tribunal refuses to grant dispensation as requested.

Name:

Date: