



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

Case Reference : LON/00AK/LDC/2015/0133

Property : Ballentyne & Rutherford Court,
London N21 1UF.

Applicant : Balmoral Court Residents
Company Limited

Representative : RMG

Respondent : The Long Leaseholders of
Ballentyne & Rutherford Court.

Representative : In person

Type of Application : For dispensation from the
consultation requirements under
S.20 Landlord & Tenant Act 1985.

Tribunal Members : Ms. A. Hamilton-Farey

Date of Decision : 23 December 2015

DECISION

Decisions of the Tribunal

1. The tribunal exercises its discretion, and grants dispensation from the requirements to consult under S.20 of the Landlord & Tenant Act 1985.

Background

1. This is an application under section 20ZA of the Landlord & Tenant Act 1985 (the Act) on behalf of the Landlord Company for dispensation from the requirements to consult under S.20 of the Act and in relation to works to the main sewers of the buildings.
2. The applicants say that on 29 October 2015 it was reported that the main sewer smelled. A contractor was appointed to jet the drains.
3. The following day the main sewer collection point had lifted the drain cover and was over-flowing.
4. Another contractor attended to remove 4,000 gallons of waste, but advised that the drains were still over-flowing and that waste was seeping into the estate grounds and adjacent public footpath.
5. The same contractor attended, removed 6,000 gallons of waste, jetted the drains, and removed waste, jetted and disinfected the soiled areas, dug out and disposed of contaminated soil and replaced with 10 tons of topsoil. The cost for the works was £11,566.80 and exceeded the statutory thresholds for consultation.
6. The applicants say that due to the urgent nature of the works it was not possible to carry out full consultation and they therefore made an application to the tribunal on 4 November 2015. They informed the leaseholders of the application.
7. The tribunal issued directions on 18 November 2015 and these were sent to the leaseholders by RMG on 25 November 2015.
8. Those directions required that any leaseholder who opposed the application for dispensation should make a statement to that effect by 27 November. No statements were received from any of the respondent leaseholders.
9. It appears from the documentation that the application is unopposed by the leaseholders. It is the view of this tribunal that the works were urgent, and remedial works were urgently required so as to prevent further contamination to the estate and surrounding areas.
10. It is therefore reasonable that the tribunal grants dispensation from the requirements to consult in this instance.

Aileen Hamilton-Farey
23 December 2015