



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

<b>Case Reference</b>	:	<b>LON/00BB/LDC/2015/0083.</b>
<b>Property</b>	:	<b>Granary Court, Millstone Close, London E15 1PD.</b>
<b>Applicant</b>	:	<b>East Homes Limited</b>
<b>Representative</b>	:	<b>In person</b>
<b>Respondent</b>	:	<b>Various leaseholders as per the application</b>
<b>Representative</b>	:	<b>In Person</b>
<b>Type of Application</b>	:	<b>Application for dispensation under S.20ZA of the Landlord &amp; Tenant Act 1985.</b>
<b>Tribunal Members</b>	:	<b>Ms. A. Hamilton-Farey</b>
<b>Date of Decision</b>	:	<b>21 August 2015.</b>

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**DECISION IN RELATION TO S.20ZA LANDLORD AND TENANT  
ACT 1985.**

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**Decision:**

- a. The tribunal determines that the requirements to consult under S.20 of the Landlord and Tenant Act 1985 should be dispensed with in relation to the works carried under a Qualifying Long Term Agreement to restore heating and hot water to the development.

## **Background:**

1. The tribunal received an application under S.20Za of the Landlord & Tenant Act 1985 in relation to what were termed urgent works to restore heating and hot water to the development.
2. The applicant says that the boilers were shut down suddenly on 8 July 2015 following a route inspection by the applicants' contractors', 'Interserve'. It was found during that inspection that there was a leak on the flue, and that the flue ducting was beyond repair. Interserve estimated that works costing in the region of £70,000 would be required.
3. The applicants say that due to this high price further evaluation of the situation was undertaken, and that it was hoped that alternative solutions could be found. The manufacturers of the system, specialist contractors and members of the main contractors' national gas team were all involved. They determined that a leak of acidic condensate from the gas flue had corroded the fan ducting and heat exchangers in the boilers
4. Although the preferred option was to replace the fan unit, this proved impossible due to the fact that a replacement unit could not be found. Further options were explored and despite obtaining a cheaper quotation than that accepted, it was found that the cheapest contractor could not restore the system for some weeks. In the end the applicants decided to proceed with the quotation of £28,455 to exchange the boilers.
5. Residents were sent letters by the main contractors on 10 July and the applicants on the 14<sup>th</sup> July. Notices were also posted in the building.
6. It is the applicants' view that the residents will not suffer any prejudice by the lack of the remaining requirements to consult, on the basis that the works were necessary, and it was in the residents' interest to have the works carried out as quickly as possible.
7. Directions were issued by the tribunal on 24 July 2015. They informed any resident who opposed the application to return a reply slip and a statement of case setting out the ground of objection by 7 August 2015.
8. It is understood that the applicants have not received any response. Likewise the tribunal has not received any responses.
9. The tribunal is entitled to conclude that the residents are in agreement with the application and that dispensation from the further requirements to consult should be granted.

10. Accordingly, I grant dispensation in relation to the works to restore heating and hot water to the dwellings, as contained in the application.

**Name:** A. Hamilton-Farey

**Date:** 21 August 2015