

9281



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

Case Reference : **LON/OOBK/LDC/2013/0078**

Property : **30 Tavistock Street and 20a and
24a Wellington Street London
WC2E 7DD**

Applicant : **Florin House Residential
Management Limited t**

Representative : **Ms Lola Freeman
Ms Wendy Dalal**

Respondent : **The Long Leaseholders listed in the
application form**

Representative : **Not appearing**

Type of Application : **To dispense with consultation
requirements**

Tribunal Members : **Judge P Leighton LLB
Mr A Lewicki**

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

Date of Decision : **21st August 2013**

DECISION

Introduction

- 1 By an application dated 6th August 2013 the Applicant applied to the tribunal for an order dispensing with the consultation requirements under Section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) Regulations 2003 in respect of the property at 30 Tavistock Street London WC2E 7PB ,20a and 24a Wellington Street WC2 7DD (“the property”)
- 2 Directions were given on 9th August 2013 and a hearing was arranged for 21st August 2013

Background

- 3 The property in question is a converted block of flats comprising one building but having three separate addresses and three separate entrances.
- 4 The block is managed by Florin House Residence Management Limited which is a self-governing body of which a number of leaseholders are the directors. Ms Freeman and Ms Dalal are two of the directors who appeared before the tribunal at the hearing.
- 5 On 4th July 2013 a gas engineer attended to carry out a regular inspection of the flue in the building in order that a gas certificate could be issued to Flat 2. On inspection it was found that the flue to flats 1 and 2 were defective and the engineer decided that it was necessary for them to be capped.
- 6 The effect of this was that the two flats in question were deprived of hot water and heating and in the case of flat one the flat was empty and could not be let, and in the case of flat 2 there was an existing tenant and it was necessary for Ms Freeman who is in fact the owner of that flat to provide an electric shower unit and to give a credit to the tenant in order to reflect the absence of the facilities.
- 7 Immediate steps were taken by the board to ascertain the cause of the problem and what steps should be taken to remedy the defects. Specialist engineers Banfield were engaged and they recommended specialist contractors to undertake the work and it became necessary to acquire a specialist cowl which is in the process of being manufactured at present and will be installed when this is completed; it is anticipated in September 2013.

- 8 On 1st August 2013 a letter was sent by the board to all residents explaining the situation and consulting as best they could. It was then decided that this application should be issued in order that the delay which would be necessary if a full consultation process were carried out could be avoided.
- 9 There has been no opposition from any of the leaseholders to the course which is proposed by the directors. A comment was received from the owner of flat 4 which contained a suggestion which appeared to the board to be unworkable and probably, although the tribunal has not seen them, inconsistent with the terms of the relevant leases in the block. The board therefore is proceeding with the course recommended by the specialist engineers.

The Tribunal's Decision

- 10 The only issue for the tribunal to determine is whether dispensation should be granted and the tribunal is of the opinion that it undoubtedly should in order to speed up the process and to ensure that the supplies of gas are restored to flats 1 and 2 as soon as possible.
- 11 It may be that having regard to the other similar flues in the building that the applicant may need to enter into a further consultation process with the leaseholders in the block while those flues are still working satisfactorily. They will need to be regularly inspected and it would be as well for the applicant to have in place a planned programme of replacement with the full consent of all or a least the majority of the leaseholders in the block. This would avoid the necessity for emergency action or applications for dispensation to the tribunal.

Chairman Peter Leighton

Date 21st August 2013