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

Case Reference : **LON/00AG/LDC/2014/0015**

Property : **Flats 1-30 Laystall Court, London
WC1X 0AH**

Applicant : **London Borough of Camden**

Representative : **London Borough of Camden
Leaseholder Services**

Respondents : **The lessees listed in the application**

Representative : **Not applicable**

Type of Application : **To dispense with consultation
requirements under s.20ZA of the
Landlord and Tenant Act 1985**

Tribunal Judge : **Ms N Hawkes**

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

Date of Decision : **31st March 2014**

DECISION

Background

1. The applicant, the London Borough of Camden, has applied to the Tribunal under S20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to Flats 1-30 Laystall Court, London WC1X 0AH (“the Property”).
2. The Property comprises a block of 30 flats, 14 of which are held on long leases. The application is dated 21st January 2014 and the respondent lessees are listed in an addendum to the application.
3. The application is made in relation to urgent works to remedy falling water pressure in the Property. It is understood that works to install booster pumps to the block have been completed. Contractors were appointed from a partnering contract which was already in existence.
4. Directions of the Tribunal were issued on 7th February 2013. The applicant has requested a paper determination. No application has been made for on behalf of any of the respondents for an oral hearing. This matter was therefore determined by the Tribunal by way of a paper determination on Monday 31st March 2014.
5. The Tribunal did not consider that an inspection of the Property would be of assistance nor would it have been proportionate to the issues in dispute.

The Applicant’s case

6. The applicant states that, on 23rd January 2014, Camden Leaseholders Services was informed by their Water Services Manager that flats in the Property were experiencing an intermittent loss of cold water pressure. There had been a series of reports from residents of loss of the supply of drinking water at certain times during the day. Thames Water had decreased the water pressure in the area within their permitted limits with the result that the supply of cold water to flats within the Property could no longer be guaranteed having regard to the pipework configuration.
7. The applicant issued the respondents with letters on 1st February 2014 which outlined the nature of the intermittent loss of water and the applicants’ proposal to install booster pumps. Works commenced on site on 4th February 2014 and they were completed on 18th February 2014. The work which was carried out included the construction of a pump room in the undercroft and the diversion of the incoming water mains through some existing pram sheds.

8. The applicant argues that it could not have left residents potentially without water for the period of time which would be needed in order to comply with the statutory consultation requirements.
9. The applicant received an email response dated 28th January 2014 to their letter of 20th January 2014 from the leases of Flat 1 Laystall Court. They state that they believe that they have a legitimate expectation that the costs of the work will be covered by building insurance; that both Thames Water and Crossrail were working in the area at the time and it is irrational not to first pursue in respect of the unexplained drop in water pressure; they dispute the means of apportionment of the cost of the work; and they question why fees are payable.
10. By letter dated 10th February 2014 in response, the applicant states that the work was not covered by insurance; that Thames Water has a statutory right to deliver water to a block at the reduced pressure of 1 bar; and that the apportionment of work is determined in accordance with the terms of the lease.
11. It should be noted that this decision in respect of dispensation from the consultation requirements does not concern the issue of whether any service charge costs will be reasonable or payable.
12. The applicant also states that the respondents will not be charged in respect of this application.

The Respondents' case

13. None of the respondents have filed written representations with the Tribunal or requested an oral hearing.

The Tribunal's determination

14. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
15. Section 20ZA of the 1985 Act provides that where an application is made to the Tribunal for a determination to dispense with all or any of the

consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

16. Having considered the application and the evidence in support, the Tribunal accepts that the qualifying works described in the applicant's application of 21st February 2014 and statement of case were urgently required and determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of this work.
17. As stated above, this decision does not concern the issue of whether any service charge costs will be reasonable or payable.

Judge: Ms N Hawkes

Date: 31.3.14