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

Case Reference : **LON/00AY/LDC/2013/0148**

Property : **Peninsula Heights, 93 Albert Embankment, SE1 7TY**

Applicant : **Peninsula Heights Management Company Limited**

Representative : **Rendall & Ritner Limited**

Respondents : **The long leaseholders of Peninsula Heights**

Representative : **None**

Type of Application : **Dispensation from statutory consultation (section 20ZA Landlord and Tenant Act 1985)**

Tribunal Members : **Mr M Martynski (Tribunal Judge)
Mr I Holdsworth BSc MSc FRICS**

Date of Decision : **13 February 2014**

DECISION

Decision summary

1. The Tribunal decides that the statutory consultation requirements¹ are dispensed with in connection with works of replacement of the cold water storage tank at Peninsula Heights.

Background

2. Peninsula Heights is a purpose built block containing 38 flats.
3. According to the Applicant's application, the cold water tank was leaking badly. Attempts to repair the tank had failed. Water was being diverted on to the main roof. Some water escaped into the lift shaft and into the penthouse apartment causing significant problems.
4. The Applicant asserts that the water tank needs complete replacement. The works were due to begin on 16 December 2013. It is not known if those works have now been completed.
5. According to the Applicant, a first consultation notice regarding a re-lining of the water tank was served on the leaseholders on 9 May 2013. No action was taken to carry out those re-lining works as the Applicant took the view that the tank was not repairable.
6. The Applicant says that the cost of the works to replace the tank (£12,170) is below those quoted for the previously proposed re-lining.
7. This application was made on 17 December 2013. Directions were given on 23 December 2013.
8. There was no response from any leaseholder in respect of the application.

Decision

9. Given that:-
 - (a) There has been some consultation with leaseholders
 - (b) There was good reason for carrying out the works urgently
 - (c) No leaseholder has objected to the application
 - (d) There is no evidence or suggestion of any prejudice having been caused to any leaseholder by the lack of full statutory consultation;

The Tribunal finds that it is reasonable to dispense with the statutory consultation regulations in respect of the works described in paragraph 1 above.

¹Which are set out at Part 2, Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003

Mark Martynski, Tribunal Judge

13 February 2014