

12038



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

Case Reference : CHI/40UC/LDC/2016/0044

Property : 6, 20 & 39 West Bow House
Bow Street, Bridgwater, Somerset TA6 3RT

Applicant : Sedgemoor District Council

Representative : Alex Akhighbemen of Homes in Sedgemoor

Respondents : Mrs D Hopgood 6 West Bow House
Mr T K & Mrs J M Pickett of 20 West Bow House
Mr A W Scott of 39 West Bow House

Type of Application : Dispensation with Consultation Requirements

Tribunal Member(s) : Judge Tildesley OBE

Date and Venue of Hearing : Determination on Papers

Date of Decision : 14 November 2016

DECISION

The Application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from some of the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant wishes to replace the water pipes in West Bow House. The works were first planned to be carried out in April 2016 but no contractor quoted for the works. The Applicant re-tendered in June 2016 with just one contractor submitting a quote. The works are now planned for October 2016.
3. The Applicant has issued a Notice of Intention and a Statement of Estimate. The Applicant seeks dispensation from the requirement to have at least two quotations. The Applicant cannot afford to re-tender the work because it needs to be carried out before the onset of winter to avoid the risk of flooding and potential damage to the building.
4. On 7 October 2016 the Tribunal directed that the application be dealt with on the papers, and asked the leaseholders to indicate whether they consented to the application.
5. On 8 November 2016 the Applicant supplied the Tribunal with signed consent forms from each leaseholder consenting to the application for dispensation and for the application to be determined on the papers.

Decision

6. The Tribunal is satisfied from the application that the replacement of the water pipes is urgent and necessary. The Tribunal accepts the Applicant's explanation for only being able to obtain one quotation for the works. The Tribunal also notes that each leaseholder has consented to the Application. **In those circumstances the Tribunal dispenses with the consultation requirement to obtain more than one quotation in connection with the replacement of the water pipes and more particularly described in the application and accompanying documents.**
7. This decision is confined to the dispensation from the consultation requirements in respect of the works replacing water pipes. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.