



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

Case Reference : **LON/00AT/LDC/2018/0069**

Property : **The Island, Brentford Lock, Tallow Road, Brentford, Middlesex TW8 8ER**

Applicant : **Brentford Lock Island Residents Association**

Representative : **Michael Richards & Co**

Respondents : **The leaseholders set out in the schedule attached to the application**

Representative : **None**

Type of Application : **For dispensation of the consultation requirements under section 20ZA Landlord and Tenant Act 1985 (as amended)**

Tribunal Judge : **Judge Pittaway
Mr H Geddes**

Date of Decision : **14 June 2019**

DECISION

The tribunal's decision

1. The tribunal determines that an order shall be made under section 20ZA of the Landlord and Tenant Act 1985 (as amended) ("the **1985 Act**") dispensing with the consultation requirements with regard to entering into a three year contract for the provision of building insurance.
2. The parties should be aware that this decision does not concern the issue of whether the service charge costs in relation to these works and costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.

The application

3. The applicant seeks an order pursuant to s.20ZA of the 1985 Act for the retrospective dispensation of any or all of the consultation requirements of section 20 of the 1985 Act. The property concerned is 1-54 Adams Quarter, Braunston House, Corsell House, Jessops Wharf, 1-20 Tallow Road and 1-54 Moorings House, The Island Brentford Lock, Tallow Road, Brentford, Middlesex TW8 8ER, described in the application as a development of 8 blocks (173 units) and 20 town houses (the "**Property**").

The background

4. By an application received by the tribunal on 16 April 2018 the applicant seeks retrospective dispensation in relation to placing a three year contract for buildings insurance at the Property.
5. The applicant indicated that it would be content for the matter to be dealt with by way of written representations.
6. Directions were issued on 19 April 2018 which set out the steps to be taken by the parties.
7. The directions provided that any tenant who wished to oppose the application should do so by serving a statement to that effect on the tribunal by 7 May 2018. The tribunal has received no such notification.
8. The directions indicated that the application would be dealt with on the basis of written representations unless any party requested an oral hearing within seven days of the date the directions were issued. No party did so.
9. The tribunal received a statement of case from the applicant on 22 May 2018, which included quotations from AXA Insurance UK plc with

optional terrorism cover and AWAC also with separate quote for political violence.

The Applicant's case

10. It is not usual to apply for insurance quotations more than one month in advance due to the reluctance of insurers to provide early quotes.
11. Due to the flood risk posed by the location of the property there are limited insurers prepared to quote for the insurance.
12. The previous insurers Aviva declined to quote for the renewal of a stand alone policy due to flood risk so that the applicant had to place the new insurance urgently.
13. The quotation from AWAC offered a discount if the agreement was for three years, thus making the agreement a qualifying long term agreement.
14. The applicant's managing agents, Michael Richards & Co wrote to all the residents on 24 April advising them that due to the short period of time available to obtain the quotes and place the insurance it was not possible to undertake the statutory consultation process and that an application had been made to the tribunal to dispense with the consultation requirement.

Reasons for the Tribunal's decision

15. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
16. The tribunal have had regard to the applicant's statement of case in reaching its decision.
17. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.
18. The tribunal did not consider that an inspection was necessary.
19. The tribunal note that it was necessary to place the new insurance within a timeframe that did not permit consultation.
20. In light of the above the tribunal considers that it is reasonable to dispense with the consultation requirements.

Application under s.20C

21. There was no application for any order under section 20C before the tribunal.

Name: Judge Pittaway

Date: 14 June 2018

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).