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

Case Reference : **LON/00AT/LDC/2018/0073**

Property : **1-13a Drayton Court Drayton
Gardens London SW10 9RQ**

Applicant : **Laimond Properties Limited**

Representative : **Principia Estate and Asset
Management**

Respondents : **The leaseholders listed 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 qualifying works in relation to the installation of a temporary boiler to provide heating and hot water.
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 flats 1-13a Drayton Court, Drayton Gardens, London SW10 9RQ, described in the application as a period conversion containing 27 flats (the "**Property**").

The background

4. By an application dated 4 April 2018 the applicant seeks retrospective dispensation in relation to the provision of a temporary boiler to provide heating and hot water to the flats 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 23 April 2018 which set out the steps to be taken by the parties.
7. The directions provided that that any tenant who wished to oppose the application should do so by serving a statement to that effect on the tribunal and the applicant 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 bundle of documents from the applicant on 16 May 2018, which did not include a statement of case but did include a

chain of e mail correspondence which has enabled the tribunal to understand the background to the case.

The Applicant's case

10. On 22 March a heating engineer went to the Property to drain down the communal hot water system. He discovered that the primary boiler was leaking and in the interests of safety it was shut down and condemned. This resulted in the flats having neither hot water nor heating.
11. A temporary boiler was therefore installed until such time as a replacement boiler could be installed. The indicated cost of the temporary boiler was given as £8738.40 Inc. (sic).
12. On 22 March Ms Lambertucci of Principia Estate and Asset Management advised the "Committee" (presumably a residents' committee) of the situation, the anticipated cost and the intention to dispense with the consultation procedure.
13. From a subsequent e mail from Ms Lambertucci it appears that the temporary boiler is rented for an indefinite period of time until the applicant is in a position to replace the boiler on a permanent basis.

Reasons for the Tribunal's decision

14. 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*".
15. The tribunal have had regard to the content of the e mails that have been provided to it in reaching its decision.
16. 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.
17. The tribunal did not consider that an inspection was necessary.
18. The tribunal note that the temporary boiler was required to provide hot water and heating to all the flats at the Property.
19. In light of the above the tribunal considers that it is reasonable to dispense with the consultation requirements.

Application under s.20C

20. 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).