



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

**Case reference** : **LON/00BJ/LDC/2022/0237**

**HMCTS code** : **P: PAPER REMOTE**

**Property** : **Carlton Square, Carlton Drive, Putney,  
London, SW15 2DG**

**Applicant** : **Carlton Square Limited**

**Representative** : **Rendall & Rittner  
(Anastasiya Rimmer)**

**Respondents** : **The leaseholders named in the list  
attached to the application**

**Type of application** : **Dispensation with Consultation  
Requirements under section 20ZA  
Landlord and Tenant Act 1985**

**Tribunal member** : **Judge Robert Latham**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **1 February 2023**

**Date of revised  
decision** : **7 February 2023**

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**REVISED DECISION**

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The Tribunal is exercising our powers under Rule 50 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 to correct an arithmetical mistake in paragraph 32 of our original decision. The amendments are highlighted in **bold**.

Judge Robert Latham, 7 February 2023

The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of works to **replace of one of the two communal water heaters.**

### **Covid-19 pandemic: description of hearing**

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The applicant has filed a bundle in support of the application.

### **The Application**

1. On 30 November 2022, the Applicant landlord applied for dispensation from the statutory duty to consult in respect of works to one of the two communal water heaters. The Applicant sought dispensation to undertake the urgent replacement of one (out of two) communal water heaters. The engineer had found that the boiler burner bars required replacing. On contacting the manufacturer, this part is now obsolete. Andrews do not have a suitable model that has replaced the Andrews R301 water heater. An alternative contractor was appointed for a second opinion but also confirmed that this water heater requires replacement. The maintenance company submitted their quote for replacement. An alternative quote was also obtained. The site was operating with one heater which was not sufficient to provide communal hot water and heating for the whole block. On 29 November, the landlord had served a Notice of Intention on the leaseholders.
2. The application relates to the following flats at Carlton Square: Flats 1-7, 41 Carlton Drive; Flats 1-7, 40 Carlton Drive; Flats 8-16 & 17-24, 41 Carlton Drive; Flats 1-6, 19 Rayners Road; and Flats 1-10, 18 Rayners Road.
3. On 15 December, the Tribunal issued Directions. The Tribunal stated that it would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
4. By 22 December, the Applicant was directed to send to each of the leaseholders (and any residential sublessees) and to any recognised residents' association, by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents' names and addresses) unless also sent by the Applicant; (ii) if not already detailed in the application form, a brief explanation for the reasons for

the application and (iii) a copy of the directions. The Applicant was also directed to display a copy in a prominent position in the common parts of the Property.

5. On 21 December, the Applicant confirmed that it had complied with this Direction. This had been posted to all relevant parties and would be put on their online portal. It would also be posted in the common parts.
6. By 6 January 2023, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.
7. On 19 January, the Applicant provided a Bundle of Documents (72 pages) in support of the application. This includes the lease for the Flat 1, 41 Carlton Drive. The Applicant has provided two quotations for the proposed works: (i) Claeanheat, dated 18 November 2022, in the sum of £19,174.82 (inc VAT) and (ii) RD Burrows, dated 12 December 2022, in the sum of £11,560 (no VAT being payable). The Applicant instructed RD Burrow to proceed with the work which commenced on 12 December. The works are now completed.
8. Section 20ZA (1) of the Act provides:

“Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”
9. **The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
10. The Tribunal is satisfied that it is reasonable to grant dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
11. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the Respondents.

**Judge Robert Latham**  
**1 February 2023**

**Revised: 7 February 2023**

### **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 **by e-mail** 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).