

**SOUTHERN RENT ASSESSMENT PANEL &
LEASEHOLD VALUATION TRIBUNAL**

Case No: CHI/00HN/LDC/2010/0017

Between:

Fairlea Management Company (Bournemouth) Ltd

(Applicant)

and

Mr and Mrs Dickson

Mrs Jones

Mr and Mrs Aked

Mr and Mrs Kingdom

Mr and Mrs Allen

Mr O'Connor

Mr and Mrs Busby

Mrs Parton

Mr and Mrs Millington

(Respondents)

Premises: Fairlea, 16 West Cliff Road, Bournemouth BH2 5EZ ("the Premises")

Date of Hearing: 21 June 2010

Tribunal: Mr D Agnew BA LLB LLM Chairman
Mr A J Mellery Pratt FRICS

DETERMINATION AND REASONS

DETERMINATION:

1. The Tribunal determines that the consultation requirements of Section 20 of the Landlord and Tenant Act 1985 may be dispensed with under Section 20ZA of the said Act in respect of proposed works for the replacement of the water supply pipe to the premises.

REASONS:

2. On 9 June 2010 the Applicant applied to the Tribunal for an order under Section 20ZA of the Landlord and Tenant Act 1985 whereby the Applicant sought an order from the Tribunal that the consultation requirements of Section 20 of the Landlord and Tenant Act 1985 may be dispensed with in regard to the proposed replacement of a water supply pipe to the premises.

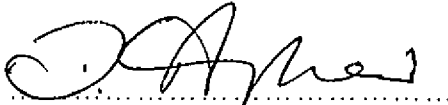
3. On 10 June 2010 directions were given. As this was a matter of urgency the Tribunal directed that less than 21 days notice of the hearing should be given to the Respondents.
4. The hearing took place at the Royal Bath Hotel, Bournemouth on 21 June 2010. The Tribunal had inspected the premises immediately prior to the hearing. Although the leak from the water supply pipe was not evident the Tribunal was shown the location of the water meter and the line of the pipe from that point into the building.
5. At the hearing the applicant was represented by Mr Heasman of the managing agents, Foxes Property Management. Also in attendance was Mr Peter Kingdom who is the chairman of the Applicant company.
6. The Tribunal heard evidence that the problem with the water supply pipe came to the Applicant's attention on 21 May 2010 when Bournemouth Water Company noticed that there was an unusually high reading for the water supply to the premises. An inspector from Bournemouth Water went to inspect the property on 3 June 2010 and he confirmed that there was evidently a leak in the water supply pipe somewhere between the meter and the premises. It was not possible, however, for the inspector to indicate exactly where the leak was occurring and as the service pipe is 40 years old the Applicant could not guarantee that if the pipe were simply repaired as opposed to being replaced that it would not fail again shortly afterwards.
7. The decision was therefore taken that there was little alternative but to replace the water pipe. The managing agents obtained two estimates: one from Aquacare, which is a subsidiary of Bournemouth Water Company and one from Ace Plumbing. The Aquacare quote was lower than that of Ace Plumbing although the Aquacare quotation did not include flushing out the system. Mr Kingdom confirmed, however, that they already had plumbers lined up to do that aspect of the work and the Directors were satisfied that even if this cost were added to the Aquacare quotation the resulting cost would be less if Aquacare carried out the work as opposed to Ace Plumbing. They therefore propose to proceed with Aquacare.
8. There are only nine flats in the block comprising Fairlea and all the lessees have been notified. Indeed, five of the nine lessees have already paid for their share of the cost of the works.
9. Mr Heasman confirmed that there had been no adverse responses to the notices and information that had been supplied to the lessees. Mr Heasman also advised the Tribunal that if the lessees were to take advantage of Bournemouth Water's leak allowance policy the repair would have to be carried out within 28 days of being notified of the fault. It was therefore urgent and important that the work was carried out within that timescale, hence the application to dispense with the

consultation procedure which would otherwise take much longer to effect.

TRIBUNAL'S DECISION

10. It was evident that the proposed work has to be done and be done quickly. The Applicant has kept the lessees informed and they all seem to be in favour of the proposed work being carried out and are content with the quotation from Aquacare. The Tribunal accepted that it was in the lessees interest to have the work carried out within the 28 day period in order to take advantage of the water company's leak allowance scheme. The Tribunal therefore had no hesitation in agreeing to dispense with the consultation requirements set out in Section 20 of the Landlord and Tenant Act 1985.

Dated this 25th day of June 2010


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D. Agnew BA LLB LLM
Chairman