



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

**Case reference** : **LON/00AW/LDC/2014/0024**

**Property** : **Cumberland House 1 Kensington Road London W8 5NX**

**Applicant** : **Cumberland House (Kensington) Limited**

**Representative** : **Blenheims Estate and Asset Management Limited**

**Respondent** : **Various Leaseholders**

**Representative** : **-**

**Type of application** : **To dispense with consultation requirements under S.20 Landlord and Tenant Act 1985**

**Tribunal member(s)** : **Mrs E Flint DMS FRICS**

**Date of decision** : **7 April 2014**

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**DECISION**

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### **Decisions of the tribunal**

- (1) The tribunal grants dispensation from the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the replacement of the hopper, downpipe and associated repair works at the front of the building.
- (2) The lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

### **Reasons for the Decision**

- (3) The Tribunal determines from the evidence before it that it is reasonable to dispense with the consultation requirements in respect of the works to the hopper, downpipe and associated repair works because any delay would have increased the likelihood of further water ingress into Flat 12 and there was a cost saving by using the scaffolding which was already in place.

### **The application**

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the agents on behalf of the Applicants on 3 February 2014.
2. The application concerns the replacement of a hopper and downpipe and associated work at the front of the building. Investigative works commenced in December 2013 following reports of water ingress into Flat 12; consequently scaffolding which was already in place in relation to other works was extended. The hopper was replaced but this proved insufficient to remedy the problem; there was evidence of corrosion down the entire length of the downpipe. The whole downpipe has been replaced and repairs to the brickwork and pointing where affected by damp have been carried out.
3. All leaseholders were informed on 16 December 2013 that the hopper needed to be replaced, as the cost was below the S.20 threshold consultation did not take place. On 28 January 2014 the leaseholders were informed that the defects were more extensive and that a full replacement of the downpipe was necessary; and were sent a copy of the Surveyors' report and an estimate from the contractor who was already on site. On 3 February 2014 the Leaseholders were provided with a progress report on the works.

4. The surveyors overseeing the project and the property managers were of the opinion that complying with the consultation requirements would have resulted in a risk of further water ingress and a delay in undertaking the work; it was more cost effective and better management to proceed with the contractor already working on site and utilising the scaffolding which was already in place.
5. Directions in respect of the application were issued on 21 February 2014 and requested that any Respondent who opposed the application should notify the tribunal no later than 26 March 2014. No such representations were received by the Tribunal.
6. The Tribunal is satisfied that the Respondents do not oppose the application, that they have been given sufficient time to make their views known and have not provided any evidence to demonstrate that these works were not urgent or that full consultation should be undertaken.
7. On the evidence before it, and in these circumstances, the Tribunal considers that it is entitled to determine from the lack of response from the Respondents, that they did not oppose the application for dispensation



**Name:** Evelyn Flint

**Date:** 7 April 2014