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

Case reference : **LON/00BJ/LDC /2015/0029**

Property : **Heath Rise Kersfield Road London
SW15 3HF**

Applicant : **Dorrington Residential Limited**

Representative : **Kinleigh Folkard & Hayward**

Respondent : **Various Leaseholders**

Representative : **-**

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

Tribunal member : **Mrs E Flint DMS FRICS**

Date of decision : **14 April 2015**

DECISION

Decisions of the tribunal

- (1) The tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the urgent works required to the hot water system to prevent the growth of legionella bacteria.
- (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.

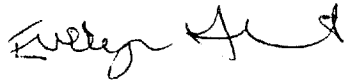
Reasons for the Decision

- (3) The Tribunal determines from the evidence before it that the works to the hot water system are urgent and necessary.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the managing agents on behalf of the Applicants on 2 March 2015.
2. The application concerns dispensation in relation to the hot water system serving four blocks of eight flats each where the water temperatures being achieved are below the recommended guidelines for the control of legionella bacteria in water systems. Recent testing of the water had resulted in positive results for legionella bacteria in two flats: shock dosing the system has been used as a short term remedy. Specialist consultants have advised that the existing boilers are under sized to accommodate the heating and hot water demands during the winter months and that it would be more economical to remove the existing buffer vessels and replace with new calorifiers.
3. Section 20 Notices were served on 16 February 2015 in respect of the supply and installation of three hot water cylinders to replace the existing heat exchanger, valves and associated work.
4. Directions in respect of the application were issued on 5 March 2015 and varied on 18 March. Any Respondent who opposed the application was requested to notify the tribunal of their objections no later than 7 April 2015.
5. No responses were received from any leaseholders either supporting or opposing the application for dispensation.

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 no evidence has been provided 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 that the Respondents did not oppose the application for dispensation



Name: Evelyn Flint

Date: 14 April 2015