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

Case Reference : LON/00AC/LDC/2016/0050

Property : Brook Lodge, North Circular Road,
Nw11 9LG

Applicant : Newprop Company Limited

Respondents : The Long Leaseholders of Brook
Lodge

Type of Application : Dispensation from statutory
consultation (section 20ZA
Landlord and Tenant Act 1985)

Tribunal Judge : Mr M Martyński

Date of Decision : 22 June 2016

DECISION

Decision summary

1. Dispensation is granted from the requirements of section 20 Landlord and Tenant Act 1985 to consult with leaseholders concerning works to remove existing and provide temporary boilers at Brook Lodge **not** regarding the installation of permanent boilers.

Background, the application, evidence and responses

2. The building in question is described as a purpose-built block consisting of 33 flats.

3. The Applicant's application was received by the tribunal on 19 May 2016.
4. Directions on the application were given on 23 May 2016. The directions placed the matter on the Paper Track to be considered without a hearing. No request was made for a hearing and accordingly I considered the application on the basis of the tribunal's file and the bundle of documents submitted by the Applicant.
5. The Applicant's application seeks dispensation for the following works:
 1. To provide a temporary boiler to provide hot water to the Property, and to remove the existing non-operational boiler which services the property; and
 2. To provide temporary hot water to the property until the Applicant replaces the existing non-operational boiler with a permanent replacement.
6. The Application form at section 3 explains why dispensation is sought as follows:-

The existing boiler which provides hot water and heating to the Property has failed and is no longer operational. A temporary boiler is required as a matter of urgency to provide the Respondents with hot water until a permanent boiler can be sourced.

The Applicant respectfully avers that it would not be reasonable or fair on the Respondents for them to have to wait a number of months so that the section 20 consultation requirements are complied with before they can again enjoy hot water.
7. It is important to note therefore that the application seeks dispensation regarding the work to provide a *temporary* supply of hot water, the relevance of this is explained below.
8. The Applicant says that the boiler broke down in early May 2016 and urgent action had to be taken in order to maintain a supply of hot water to the building. No statutory consultation has been carried out and none is proposed as far as I am aware.
9. The tribunal did not receive any formal responses from leaseholders in respect of the application to the tribunal.
10. According to the Applicant's agent, Mr Steve Thomas, four leaseholders have responded to the Applicant in respect of the application. Two leaseholders (flats 8 & 9) confirmed that they did not wish to object to the application. Two other leaseholders (flats 3 & 4) raised queries as to whether the opportunity should now be taken to replace the communal heating and hot water supply with individual systems installed in each flat.
11. By letter dated 15 June 2016, the Applicant's solicitors supplied the tribunal with a copy of a report from contractors which commented on the possibility of the installation of individual boilers to supply heating and hot water into each flat. There were no costings in that report but

the view was that, although the provision of individual boilers in each flat was possible, this would involve much more work and may well be more expensive.

Decision

12. The hot water had to be reinstated urgently. No leaseholder has objected to the application for dispensation as it stands (that is the dismantling of existing boiler/s and the provision of a boiler giving a temporary supply of hot water). Accordingly I have given dispensation as requested in the application.
13. However, the permanent replacement of the boiler/s to replace the current centralised hot water and heating is another matter. The application does not cover that work.

Mark Martyński, Tribunal Judge
22 June 2016