



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

Case reference : **LON/00AY/LDC/2014/0092**

Property : **49-51 Sancroft Street, Kennington,
London SE11 5UG**

Applicant : **Sancroft 49/51 (Freehold) Ltd**

Representative : **Fifield Glyn**

Respondent : **12 Joint Leaseholders**

Representative : **None**

Type of application : **To dispense with the requirement
to consult lessees about major
works/ a long-term agreement**

Tribunal member : **Mr L Rahman (Barrister)**

**Date and venue of
hearing** : **18.8.14 at 10 Alfred Place, London
WC1E 7LR**

Date of decision : **18.8.14**

DECISION

Decisions of the Tribunal

- (1) The Tribunal determines it is reasonable to dispense with the relevant consultation requirements.

The application

1. An application has been made under s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for a determination that all or any of the consultation requirements in relation to works to be undertaken by the Applicant may be dispensed with if the Tribunal was satisfied it was reasonable to dispense with such requirements.
2. The Applicant confirmed it was happy for the application to be dealt with on paper if the Tribunal thought it appropriate. There was a Pre Trial Review on 8.8.14. The Tribunal agreed it would be appropriate for the application to be dealt with in this manner (without a hearing). None of the parties requested an oral hearing so the matter was listed to be dealt with on paper.

The background

3. An original lead water main, built into the main wall at the time of construction, has a minor split and is leaking and could burst at any time. The split is in a location that is difficult to access, in between two ground floor flats and at ceiling height. The proposal is to run a new main into the building and 'T' off into six flats, leaving the old lead main isolated, shut off, drained, and the walls made good where access has been carried out.
4. The works ("the Works") for which the Applicant sought a dispensation of the consultation requirements were as follows:
 - (i) A new mains water riser to be installed into the common areas and to 'T' off into each of 6 flats on the ground, first, and second floors.
 - (ii) Old lead riser to be disconnected and left in situ.
5. The Respondents would each be responsible for the proportion required under the terms of their leases.

The Applicant's case

6. The Applicant states the old riser could burst at any time therefore the work needs to be carried out as soon as possible. The Applicant states all lessees have been consulted and all are in agreement that the riser needs to be replaced with funds held in the reserve. The Applicant states all the Directors have given their approval. The Applicant states ten out of the

twelve lessees have responded to the Tribunals direction and agree that section 20 consultations can be dispensed with. The two lessees that have not responded to the Tribunals direction had previously agreed to the dispensation. No objections have been raised to the dispensation.

The Respondent's case

7. Ten out of the twelve Respondents sent letters supporting the application and the Tribunal received no objections from any of the other Respondents.

The Tribunal's decision

8. The Tribunal can only make a determination to dispense with the consultation procedure if it is satisfied that it is reasonable to do so. The purpose of the procedure under s.20 of the 1985 Act is to ensure that the long leaseholders do not suffer any prejudice when they are asked to pay for works that cost in excess of £250 per flat. The legislation recognises that there may be instances of urgency where the lengthy consultation process, designed to give the long leaseholders full information about the works and to enable them to make comments and propose a contractor to be asked to provide a quote, cannot be followed and that is the reason for the dispensation provisions under s.20ZA of the 1985 Act.
9. This is an unopposed application. The application is supported by ten out of the twelve Respondents. The Applicant had some informal consultation. The Tribunal finds the work is of an urgent nature. The old riser could burst at any time therefore the work needs to be carried out as soon as possible. Delaying the work could cause further significant damage and increase the overall cost in the long run.
10. For the reasons given, the Tribunal is satisfied it is reasonable to dispense with the relevant consultation requirements contained in s.20 of the 1984 Act.
11. The dispensation of any or all of the requirements of s.20 of the 1985 Act does not indicate that the cost itself is reasonable or that the work / service is of a reasonable standard. The Respondents may, if they wish, make a subsequent application under s.27A of the 1985 Act, challenging either the need or quality of such works, the recoverability of the cost under the lease, or the level of the cost.

Chairman: L Rahman

Date: 18.8.14