



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

**Case Reference** : **LON/00BC/LDC/2015/0072**

**Property** : **28 Grosvenor Road London E11 2EP**

**Applicant** : **Southern Lane Securities**

**Representative** : **Hamilton King Management Limited**

**Respondent** : **All Lessees as per application**

**Representative** : **n/a**

**Type of Application** : **For dispensation from the  
consultation requirements required  
by section 20 of the Landlord and  
Tenant Act 1985**

**Tribunal Members** : **Judge Carr  
Mr C Gowman BSc McIEH**

**Date and venue of  
Hearing** : **10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **12<sup>th</sup> August 2015**

---

**DECISION**

---

## **Decision of the Tribunal**

1. The Tribunal determines to exercise its discretion to dispense with the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

## **The Application**

2. The freeholder of the premises, by its representative Hamilton King Management Ltd, applied on 18<sup>th</sup> June 2015 under section 20ZA for dispensation from the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

## **Procedure**

3. The Tribunal held a pre-trial review of this matter on 30<sup>th</sup> June 2015 and issued directions on the same date. In those directions it was decided that in view of the urgency of the application the matter should be determined on the basis of written representations and without an oral hearing.
4. The Directions gave an opportunity for any party to request an oral hearing. They also gave an opportunity for any leaseholder who wishes to oppose the application from the landlord to provide a statement to the Tribunal setting out his or her reasons for so doing. No request for an oral hearing was received nor were any objections received in relation to the application.

## **Determination**

### **The Evidence**

5. The evidence before the Tribunal indicates as follows:
  - a. In March 2015 Thames Water notified the landlords of a potential leak to the water supply pipe. Following this notification, on or around 12 May 2015, Thames Water served a Statutory Enforcement Notice on the landlords, requiring them to remedy the leak on the supply pipe shared with the adjoining property within 35 days. In particular, in order to comply with the Notice, it was necessary to replace the leaking pipe or carry out a repair at the point where the leak was taking place.
  - b. The landlords obtained two quotations in connection with the necessary works. One, dated 2<sup>nd</sup> May 2015, from London Orbital Response Ltd, estimated the costs of works to be £1020 including VAT.

The second, dated 29<sup>th</sup> May, from AquaFlow Services, estimated £1422 including VAT.

- c. The applicant wrote to the leaseholders on 11<sup>th</sup> June 2015 enclosing the Statutory Notice together with the two quotes.
- d. The work was carried out as a matter of urgency by London Orbital Response Ltd on 15<sup>th</sup> June 2015. Unfortunately Thames Water has informed the applicant that the leak may be continuing. The applicant is investigating the need for further work to remedy the leak.

It is on this basis that the freeholder has made the application for dispensation.

### **The Law**

6. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides:
7. “Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination **if satisfied that it is reasonable to dispense with the requirements**” (emphasis added).

### **The Tribunal’s decision.**

8. The Tribunal determines to grant the application.

### **The reasons for the Tribunal’s decision.**

9. The Tribunal determines that the works are necessary and urgent and that any delay would have resulted in additional costs. The applicant has not been able to inform the tribunal of the full costs of the works because of on-going problems. The Tribunal has nonetheless granted the application although it is limited to the costs of remedying the leak.

**The parties should note that this determination does not concern the issue of whether any service charge costs will be reasonable or indeed payable. The Respondents are able, if it appears to them to be appropriate, to make an application under s.27A of the Landlord and Tenant Act 1985 as to reasonableness and payability.**

Signed Judge Carr

Dated 12<sup>th</sup> August 2015