



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

Case reference : LON/00BG/LDC/2019/0042

Property : The Landmark, 22-24 Marsh Wall,
London E14 9AF

Applicant : Adriatic Land 5 Ltd

Representative : Rendall & Ritner Ltd

Respondents : The long leaseholders of The
Landmark

Representative : None

Type of application : For the dispensation of the
consultation requirements

Tribunal member(s) : Judge S Brilliant

**Date and venue of
hearing** : 29 April 2019 at 10 Alfred Place,
London WC1E 7LR

Date of decision : 29 April 2019

DECISION

Decision of the Tribunal

The Tribunal determines that the applicant has permission to dispense with the consultation requirements in respect of major works to The Landmark, 22-24 Marsh Wall, London E14 9AF (“the premises”). These works (“the works”) include.

The application

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of the works.
2. An application to dispense with the consultation requirements was received by the Tribunal on 11 March 2019. Directions were given on 15 March 2019. It was directed that the application would be heard on the papers unless either party requested an oral hearing. No such request was made.

Background

3. The premises consist of two high rise towers consisting of 649 private apartments, and two smaller blocks consisting of Housing Association apartments. The premises were built in 2009.
4. The basis for the application is that there was a high health and safety risk to the residents as the High Voltage Switch Gear (“HVSG”) was discharging and could fail at any moment, leaving the communal areas of the buildings it powers without lighting, and the individual apartments without heating/cooling and water.
5. In an electric power system, switchgear is composed of electrical disconnect switches, fuses or circuit breakers used to control, protect and isolate electrical equipment. Switchgear is used both to de-energize equipment to allow work to be done and to clear faults downstream. This type of equipment is directly linked to the reliability of the electricity supply.
6. On page 8 of the application form it said:

“It was discovered by our contracted mechanical and electrical engineers that there is a partial discharge of the main HVSG serving all blocks which could potentially explode due to acid corrosion. It was advised to us that the HVSG required investigating as soon as possible and the only way to safely investigate is to shutdown the power to the entire building and have the unit removed. Should they find the issue,

the main problem is the likelihood of being able to re-energise the unit. It is therefore recommended that we replace the entire switch gear. It is proposed that we carry out a 16 hour shutdown with generators on site to ensure that there is no loss of services to residents. The unit serves all landlord supplies such as the communal electrics to both towers and the Housing Association blocks, all boilers, pumps, chillers and associated equipment.”

7. On 18 March 2019, the replacement HVSG was delivered and assembled on site. On 20 March 2019, the buildings were shut down to enable the HVSG to be replaced.

Procedure

7. Directions were given on 15 March 2019. The applicant was directed immediately to send to each lessee a copy of the application, a short statement of case setting out the need for the works and giving details of the likely costs of the work, and a copy of the directions. A copy of all these documents was to be placed in the communal entrance hall.
8. On 22 March 2019, the applicant’s managing agent wrote to the lessees explaining the nature of the works and quoting a cost of £76,226.70 plus VAT which would be paid out of the reserve fund. This was the cheapest of the four options put forward by Jaguar Building Services Ltd in their quotation dated 15 February 2019.
9. Only one lessee responded (in respect of two flats) and he supported the application for dispensation.

Decision

10. The works undertaken are qualifying works. In view of the urgent need to complete them to avoid further damage incurring and to protect the safety of the lessees and their visitors, I consider it appropriate to dispense with the consultation requirements in this case.
11. This decision does not relate to the quality of the work carried out or the reasonableness of the cost.

Name: Simon Brilliant **Date:** 29 April 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).