



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

Case Reference	:	LON/00BE/LDC/2020/0054 P
Properties	:	Various Flats at Crown Place Apartments, 20 Varcoe Road, London, Se16 3AD
Applicant	:	Crown Place Apartments Right to Manage Company Limited
Representative	:	Rotherhithe Property Management LLP
Respondents	:	Various Leaseholders
Representative	:	No Representative
Type of Application	:	To dispense with the statutory consultation requirements
Tribunal Member	:	Ms H Bowers MRICS MSc BSC(Econ)
Date of Consideration	:	26 May 2020
Date of Decision	:	26 May 2020

DECISION

1. This has been a paper hearing on the papers which has not been objected to by the parties. The form of remote hearing was a paper determination which is not provisional. A face to face hearing was not held because it was not practicable, no-one had requested a hearing and all issues could be determined on paper. The documents what I was referred to are the application form plus 11 pages, the contents of which I have noted.
2. The Tribunal grants the application for dispensation from statutory consultation in respect of the subject works. For clarity the works are

the replacement of three obsolete booster pumps serving a pressurized water system at Crown Place Apartments.

REASONS

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) dispensing with statutory consultation in respect of major works.
2. This application is in relation to works at Crown Place Apartments, 20 Varcoe Road, London, SE16 3AD (the subject property). The property is described as a purpose-built block of fifty flats in three buildings and over six floors. The Applicant is Crown Place Apartments Right to Manage Company Limited and the Respondents are the leaseholders of the various flats.
3. The application, made by Rotherhithe Property Management on behalf of the Applicant, was dated 21 April 2020. Directions were issued by the Tribunal on 22 April 2020. The Directions initially listed the matter for a paper determination for the week commencing 18 May 2020, unless any party made a request for a hearing. There was no request for a hearing but the Tribunal had not received the bundle in time and therefore the Tribunal eventually considered this case on the papers submitted to it on 26 May 2020. The Directions also required the Applicant to send to each leaseholder a copy of the application form, supporting documents and the Directions and to place a copy of the documents on a communal notice board. By an email dated 26 April 2020 it was confirmed that the Applicant had taken the necessary steps to inform the leaseholders as required by the Directions.
4. The application seeks dispensation in respect of works for the replacement of three obsolete booster pumps serving a pressurized water system at Crown Place. The application was stated to be urgent as there was a risk that the water supply to the flats could fail and there is current high demand due to the Covid-19 lockdown scenario.
5. The papers submitted on behalf of the Applicant included quotations for the proposed work from KGN Pillinger (Pillinger) dated 11 March 2020 and from New Haden Pumps (New Haden) dated 19 March 2020. In a summary of the costs the total costs were £18,108.00 from Pillinger and £14,570.01 from New Haden.
6. In a document dated 7 April 2020 it was explained that the water supply to the apartments is provided by a pressurized system incorporating three booster pumps. The pumps date from the 2011 when the property was constructed. Problems to the water supply

started in early March 2020 and although the fuse to the pumps was re-set there were recurring problems. A temporary repair was carried out on 12 March but it was reported that the booster pumps would need to be replaced. Despite the temporary repair there was still continued problems with the water supply. A further repair was carried out, but there are still concerns about the sustainability of the repair and the continued threat to the water supply.

7. The Directions invited any Respondent/leaseholder who opposed the application to submit a response form to the Tribunal and to make any statement of response to the Applicant/landlord by 7 May 2020. In an email from the Applicant's representative dated 22 May 2020, it was confirmed that there had been no bounce back from the emails and no replies from any of the Respondents/leaseholders.

Determination

8. Section 20ZA(1) of the Act provides:

“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.”

9. The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.
10. As mentioned above there has been no engagement from the Respondents. The work is of an urgent nature given that there is a risk of a failure of the water supply to the fifty flats. In all the circumstances the Tribunal grants the application for dispensation from statutory consultation in respect of the subject works, considering it reasonable to do so. For clarity the works are the replacement of three obsolete booster pumps serving a pressurized water system at Crown Place Apartments.
11. The Tribunal directs that the Applicant sends a copy of this decision to all the Respondent/leaseholders.
12. This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.

Name: H C Bowers

Date: 26 May 2020

ANNEX - RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.