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

Case Reference : LON/00AW/LSC/2014/008

Property : Melbury Court, 240 – 280
Kensington High Street W8 6NH

Applicant : Melbury Court RTM Ltd

Representative : Kinleigh Folkard & Hayward

Respondent : Various leaseholders (48 in total as
per the application)

Representative : N/A

Type of Application : Dispensation of section 20
consultation notices

Tribunal Members : Judge Tagliavini
Mr M Taylor FRICS

Date of Decision : 7 March 2014

DECISION

Decision of the tribunal:

1. The tribunal finds it reasonable in all the circumstances to dispense with the requirements of section 20 of the Landlord and Tenant Act 1985 (the consultation procedures).
2. The Tribunal determines that it is reasonable and appropriate the Applicant carry out the works specified in the application namely the fitting of a temporary supply of heating and hot water supply.

Background:

3. The subject premises comprise a purpose built block of flats containing commercial units on the ground floor with 48 flats above with a communal heating and hot water system.

The Applicant's case:

4. By an application to the Tribunal dated 9/12/13 the Applicant contends that only two of the four heating and hot water boilers are currently working. In light of the landlord's obligation to maintain these systems, there is a real risk that the remaining two working boilers may fail and a breach of the terms of the leases arise.
5. The Applicant relies on the reports From the Millbridge Group (appointed buildings surveyor) dated 5/1/14 and Water N Gas (the Applicant's maintenance contractor) dated 5/2/14 in support of their application to carry out the proposed works in the sum of £60,000 plus VAT and fees).
6. The Applicant asserted that the lessees were informed of the need for these works in a letter dated 10 December 2013 and advised this application to dispense with the section 20 consultation procedures would be made to the Tribunal, having regard to the nature and urgency of the works proposed.

The Respondents' case:

7. The Tribunal notes that in response to the directions given by the Tribunal dated 22/1/14 all of the lessees that actively responded (nine in number), none objected to the application for dispensation. The other lessees did not respond to the Tribunal's invitation to voice their views except for one other who returned an unmarked form.

Reasons for the Tribunal's decision:

8. The Tribunal is satisfied that the Applicant has demonstrated a need for these works to commence at an early date. The Tribunal is satisfied that the lessees have been provided with an opportunity to express any concerns or opposition to this application and that none have done so. The Tribunal therefore finds that the lessees have not demonstrated that any prejudice has been or will be caused by the dispensation of the section 20 requirements. Therefore the Tribunal directs that the Applicant can proceed with the proposed heating and hot water works and in its discretion dispenses with the requirements to comply with the section 20 notice procedures.

Conclusion:

9. The Tribunal dispenses with compliance with the section 20-consultation requirements and directs that the Applicant can properly proceed with the works proposed in its application dated 9/12/13.

Signed: Judge Tagliavini

Dated: 7 March 2014