

Q754



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

Case Reference : **LON/00BK/LDC/2014/0020**

Property : **111 St George's Square, Pimlico,
London SW1V 3QP**

Applicant : **St George's 111 Ltd**

Representative : **Bunn & Co (London) Ltd**

Respondents : **The lessees listed in the application**

Representative : **Not applicable**

Type of Application : **S20ZA of the Landlord and Tenant
Act 1985 - dispensation of
consultation requirements**

Tribunal : **Ms N Hawkes
Mr F Coffey FRICS**

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

Date of Decision : **19th February 2014**

DECISION

1. The applicant, St George's 111 Ltd., has through its agents, Bunn & Co (London) Ltd., applied to the Tribunal under S20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to 111 St George's Square, Pimlico, London SW1V 3QP ("the Property").
2. The Property comprises a Victorian house which has been converted into six flats. The application is dated 5th February 2014 and the respondent lessees are listed at section 4 of the application.
3. Mr P Monteiro, a director of Bunn & Co (London) Ltd., the managing agents, appeared at the hearing on behalf of the applicant. The respondents did not appear and were not represented.
4. The Tribunal did not consider that an inspection of the Property would be of assistance nor would it have been proportionate to the issues in dispute.
5. The qualifying works are described in the application as follows: "Lay down new gas supply to the flats. Re-route new gas supply through the common parts replacing existing one which is leaking and buried in the concrete floor inside the basement flat".
6. It is stated that the applicant is seeking dispensation for the following reasons: "The gas supply to the flats is compromised and corroded. The pipes were buried in the concrete when the property was converted to flats and routed through the basement floor flat and do not show anywhere in the common parts. A leak is known to exist on that route which is impossible to find without breaking the concrete inside the basement flat or re-route the pipes to the flats through the outside of the building and common parts. The leak is affecting the ground floor flat which had the gas supply isolated by National Grid as a security measure and has been without gas for more than a month. The residents of the ground floor flat are a family with a baby."
7. It is also stated in the application that the respondents have been informed by email of the proposed emergency works. Mr Monteiro informed the tribunal that none of the respondents have objected to the qualifying works being carried out and that two of the respondents have expressly consented. He also informed the tribunal that, due to concerns for the safety of the occupiers of the Property, the qualifying works have in fact now been carried out.

The Tribunal's determination

8. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
9. Section 20ZA of the 1985 Act provides that where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
10. Having considered the application and the oral submissions of Mr Monteiro, the Tribunal accepts that the qualifying works described in the applicant's application of 5th February 2014 were urgently required and determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of this work.
11. This decision does not concern the issue of whether any service charge costs will be reasonable or payable.

Judge: Ms N Hawkes

Date: 19.2.14