



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

Case Reference : **LON/00BB/LDC/2015/0149**

Property : **39, 45, 47, 49, 61 & 63 Paul Street,
London E15 4QB**

Applicant : **The London Borough of Newham
(the landlord)**

Representative : **In person**

Respondents : **Various leaseholders as set out in
the application**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Mrs O'Sullivan
Mr P Roberts Dip Arch RIBA**

Date of Decision : **15 February 2016**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) ("the 1985 Act") for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a low rise block of 15 flats known as 39, 45, 47, 49, 61 & 63 Paul Street, London E15 4QB (the "Property") and the application is made against the various leaseholders in the schedule attached to the application form (the "Respondents").
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of qualifying works to install a new cold water main rising externally and into the roof area of the block to be connected into existing pipework. A large leak was identified into the incoming water supply and due to its location under the building repair is said to not be possible. The works have already been carried out and commenced in November 2015.

The background

4. The application was dated 17 December 2015. Directions were made dated 23 December 2015 which provided for the Applicant to serve a copy of the directions on all Respondents and for them to then indicate whether they consented to the application or not and wished to have a hearing. The Applicant confirmed by letter dated 11 January 2016 that it had served all the leaseholders in accordance with the directions.
5. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 15 February 2015.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant's case

8. The Applicant had filed a bundle in accordance with the directions.
9. The water supply pipe at the Property was said to have been likely to fail and thus the Applicant was unable to carry out full consultation

under section 20. The Applicant had however served a notice of intention dated 6 November 2015. The works were said to be urgent as if the water supply failed the tenants would be without basic facilities such as tap water, bath and toilet facilities.

10. As the leak was under a large building slab it was impossible to access and repair. The Applicant relied on a report which set out the proposal to install a new cold water rising main in the roof area. Three quotations were obtained for the work which ranged from £7,842 inclusive of Vat to £11,640 inclusive of Vat. The Applicant was advised to instruct the contractor who had given the lowest quotation. The average cost per leaseholder was approximately £525.

The Respondents' position

11. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

The Tribunal's decision

12. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the additional works outlined above.

Reasons for the Tribunal's decision

13. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
14. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
15. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.
16. The tribunal would indicate however that if there are any further works at the Property which may become necessary due to the age and general condition these should form part of a proper planned consultation.

Application under s.20C

17. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 15 February 2016