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

Case Reference : **LON/OOBJ/LDC/2016/0036**

Property : **Flats 17, 23 and 27 Centre Square,
Hardwicks Square, London SW18
4AG**

Applicant : **Centre Square Management
Company (Wandsworth) Ltd**

Representative : **HM Landertons Property & Estate
Management**

Respondents : **The leaseholders**

Representative : **None**

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

Tribunal Judge : **S O'Sullivan
H Geddes RIBA**

Date of Decision : **9 May 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 3 blocks of purpose built residential flats (102 flats in total) with 2 commercial units of office space known as 17,23 and 27 Centre Square, Hardwicks Square, Wandsworth SW18 4AG (the “Property”).
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 be carried out.

The background

4. The application was received on 22 March 2016. The application seeks retrospective dispensation in relation to the replacement of two water pumps. The Applicant says one of the pumps failed in October 2015 and that it was considered reasonable to replace both, given the likely strain on the remaining pump whilst works were undertaken. Quotations were obtained from two contractors. The works were ordered on 11 November 2015 and the works progressed to commissioning on 5 December 2015.
5. 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.
6. Directions were made dated 31 March 2016 which set out the steps to be taken by the parties.

The Tribunal’s decision

7. 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 replacement of the two water pumps as set out in the documentation attached to the application.

Reasons for the Tribunal's decision

8. 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*".
9. The directions provide that the Applicant should serve a copy of the application form on the leaseholders. The Applicant's representative confirmed on 19 April 2016 that a copy of the application form and directions had been duly served as directed.
10. The directions further provided that that any tenant who wished to oppose it should do so by serving a statement by 14 April 2016. No such statement has been received and thus the tribunal concluded that the application was unopposed.
11. The parties should be aware that this decision does not concern the issue of whether the service charge costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.

Application under s.20C

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

Name: S O'Sullivan

Date: 9 May 2016