



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

Case reference : **LON/00BG/LDC/2018/0176**

Property : **Caspian Wharf, Seven Sea Gardens,
London E3**

Applicant : **Berkeley Seventy Six Ltd and
Berkeley Seventy Seven Ltd**

Representative : **Rendall & Ritner Ltd**

Respondents : **Various**

Representative :

Type of application : **For the dispensation of the
consultation requirements**

Tribunal member(s) : **Judge S Brilliant**

**Date and venue of
hearing** : **13 February 2019 at 10 Alfred Place,
London WC1E 7LR**

Date of decision : **13 February 2019**

DECISION

Decisions of the tribunal

The tribunal determines that the applicant has permission to dispense with the consultation requirements in respect of the proposed replacement of one of the two heating pumps serving Caspian Wharf, Seven Sea Gardens, London E3 3QL (“the premises”).

The application

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of the replacement of one of the two heating pumps serving the premises.

Background

2. The premises consist of a purpose built development of private, shared and social housing flats and commercial units. There are 419 units altogether.

3. The landlords seek dispensation because one of the heating pumps in the sub plant room of block 3D has seized and a replacement pump is required. The substation has two pumps; the system is set up to allow a changeover between the pumps so that neither is in use continuously. As one pump has failed there is no back up if the remaining pump fails which would result in the residents being left with no heating or hot water.

The work

4. Two quotations have been obtained. One is for £2,850 excluding VAT and one for £2,839.68 excluding VAT. The residents have been informed by letter that dispensation has been sought. In addition, the relevant information has been posted on the managing agent’s online portal for the development and displayed in the reception areas of the block.

Decision

5. The works carried out are said to be qualifying works. In view of the urgent need to carry out the work in light of the potential serious inconvenience to the affected residents, I consider it appropriate to dispense with the consultation requirements in this case.

6. This decision does not relate to the quality of the work carried out or the reasonableness of the cost.

Name: Simon Brilliant

Date: 13 February 2019

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).