



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

Case Reference	:	LON/00AU/LDC/2015/0020
Property	:	Wollaton House, 7 Batchelor Street, London N1 0EY
Applicant	:	The Angel School (Islington) Management Company Ltd.
Representative	:	Rendall & Rittner Limited
Respondent	:	The long leaseholders of the residential flats whose names are set out in the application form
Representative	:	None
Type of Application	:	for dispensation from statutory consultation requirements
Tribunal Members	:	Judge Dickie Mr N. Martindale, FRICS
Date of Decision	:	26 March 2015

DECISION

Decision of the tribunal

The tribunal grants the application for dispensation from further statutory consultation in respect of the subject works.

The application

1. The applicant management company seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("The Act") dispensing with statutory consultation in respect of major works.

2. The premises in question are a school conversion consisting of 35 flats. The management company bears the repairing obligations under the leases.
3. Directions were issued by the tribunal on 10 February 2015 listing the matter for a determination on the papers. The tribunal has received sufficient evidence that a copy of the application and directions were served on all of the respondent leaseholders under cover of a letter from the managing agent Rendall and Rittner dated 17 February 2015. No party has exercised the right to require an oral hearing, and the tribunal has therefore proceeded to reach a decision on the documents.
4. The application seeks dispensation in respect of the replacement of one communal boiler servicing all of the 35 flats, and repair of the second such boiler. An undated report from Cleanheat, the maintenance contractor, concludes that both boilers are leaking. The boiler with the more serious leak was found to have 2 split sections. Replacement parts are no longer manufactured and the contractor advised that replacement of one boiler now and repairing the other with spare parts from the first (this being the work in respect of which the Applicant seeks dispensation) would be a cheaper option than the only alternative of replacing both boilers.
5. The works are said to be urgent in that there is a risk of the loss of heating and hot water to the 35 flats if the communal boilers stop working. The managing agent reports that the three most competitive quotations for the work range from £18,565 - £18,868, though copies of quotations have not been provided.
6. The management company gave notice of intention to the leaseholders under s.20 of the Act dated 22 January 2015 to carry out the works. No observations were received from them.
7. The leaseholders of 11 flats have notified the Applicant and the tribunal that they consent to the application. No leaseholder has notified any objection.

Determination

8. Section 20ZA(1) of the Act provides:

“Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

9. The tribunal has taken into account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

10. There has been no suggestion from any Respondent that the work is not necessary and / or ought to have been the subject of full statutory consultation.
11. There is sufficient evidence before the tribunal of the necessity to carry out the work urgently, and that it is prudent to contract the works without a full consultation process. The tribunal is satisfied that delaying the works for such consultation would have been undesirable. No evidence has been put forward of prejudice to the tenants or other grounds on which the tribunal ought to consider refusing the application or granting it on terms.
12. In all the circumstances the tribunal grants the application for dispensation from statutory consultation in respect of the works, considering it reasonable to do so.
13. This decision does not affect the tribunal's jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.

Name: F Dickie

Date: 26 March 2015