



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

Case Reference : **LON/00BK/LDC/2018/0196**

Property : **142 -148 Ebury Street London
SW1W 9QG**

Applicant : **Northumberland & Durham
Property Trust Limited (Landlord)**

Representative : **D & G Block Management Limited
(Managing Agents)**

Respondents : **The Leaseholders of Flats 1-16, 142 -
148 Ebury Street, London SW1W
9QG**

Representative : **No appearance**

Type of Application : **Section 20ZA Landlord and Tenant
Act 1985 – To dispense with
consultation requirements of
Section 20**

Tribunal Members : **Judge Lancelot Robson
Mr K. Ridgway MRICS**

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

Date of Decision : **18th February 2019**

DECISION

Decisions of the Tribunal

- (1) The Tribunal determines that all or any of the consultation requirements in relation to replacement of the communal heating boiler notified in the Section 20 Notice dated 8th November 2018 shall be dispensed with.
- (2) The Tribunal makes the other determinations as set out under the various headings in this decision.

The application

1. By an application dated 7th December 2018, the Applicant seeks a determination pursuant to Section 20ZA of the Landlord and Tenant Act 1985 (an extract of which is noted in Appendix 1 below) relating to urgent works to replace the communal heating boiler at the subject property which has broken down and is beyond repair. The property is a block of 15 flats built in about 1955.
2. Further to the Tribunal's Directions dated 10th December 2018, the Landlord served notice of this application upon all leaseholders in the block.
3. The Applicant's statement in support of the application disclosed that in early October 2018 problems were discovered with the heating system. Despite several engineer's visits, the boiler eventually failed. An engineer's report dated 29th October 2018 recommended that a new boiler be installed, as the old one was beyond repair. The Applicant provided electric heaters to residents, some of whom are elderly. The Applicant obtained two quotations for replacement of the boiler, one for £9,676.84, and the other for £7,630. The Landlord served a Notice of Intention to do the works under Section 20 of the Landlord and Tenant Act 1985, dated 8th November 2018, and on the same day gave notice that it intended to accept the lowest quotation, and proceed without further notice, giving the reasons for urgency. It also gave notice that it intended to make this application. The work was completed on or before 26th November 2018.
4. This application was then made on 7th December 2018. The Tribunal's Directions dated 10th December 2018 required the Applicant to give notice of this application to all leaseholders, with copies of the application and Directions attached. Leaseholders had until 7th January 2019 to notify any objection. Only the leaseholder of Flat 7 (Mr J Gorst) returned a completed notice of intention to object. However, no statement of reasons was ever received from him, despite reminders from the Applicant's agent.

Determination

5. The Tribunal determined this matter on the papers as no party had requested an oral hearing.
6. The Tribunal noted that essentially its function under Section 20ZA was to decide if the work was urgent, and if it was reasonable to grant dispensation from the full consultation requirements of Section 20. It could not decide upon matters relating to cost and payability pursuant Section 27A of the 1985 Act. Any party is free to make an application under Section 27A.
7. The Tribunal considered the evidence and submissions. It was satisfied from the evidence that reasonable steps had been taken to notify the Respondents of the problem, and the Applicant's reasons for carrying out the work urgently. In view of the likely discomfort and dangers to the health of residents, the Tribunal decided to grant the order for dispensation from the requirements for statutory consultation under Section 20ZA, as asked.

Tribunal Judge: Lancelot Robson Dated; 18th February 2019

Appendix 1

Landlord & Tenant Act 1985

Section 20ZA Consultation requirements: supplementary

(1) 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 qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
