



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

Case Reference : **LON/00AU/LDC/2019/0046**

Property : **Highbury Grove Court,
Highbury Grove, London N5
2NG**

Applicants : **(1) Better Properties Limited
(2) Regent Property
Maintenance Company Limited**

Representative : **Bude Nathan Iwanier LLP**

Respondents : **Lessees of Highbury Grove
Court**

Representative : **N/A**

Types of Application : **Dispensation – Section 20ZA**

Tribunal Members : **Judge Tagliavini
Miss M Krisko FRICS**

**Date and venue of
Hearing** : **25 April 2019
10 Alfred Place, London WC1E**

Date of Decision. **25 April 2019**

DECISION

Decisions of the tribunal

- I. The tribunal determines that it reasonable and appropriate, pursuant to section 20ZA of the Landlord and Tenant Act 1985 (as amended), to dispense with the consultation requirement under section 20 of that Act, in respect of the drainage works required to repair or replace collapsed and blocked drains.**
-

The application

1. This is an application made under the provisions of section 20ZA of the Landlord and Tenant Act 1985 (as amended) seeking the tribunal's dispensation of the consultation procedures pursuant to section 20 of that 1985 Act.

Background

2. In or about January 2019, the Applicant Freeholder and its Managing Agent, the second Applicant, became aware of disrepair to the below ground drainage system that served the subject property for sewage and waste water purposes. A report by W Hardy Drainage Solutions Ltd, prepared from a survey carried out on 11/01/2019, identified a number of defects in the below ground drainage system serving the subject premises including partially collapsed drains and blockages.

The premises

3. The premises comprise a purpose built block of 36 flats with a main frontage to Highbury Grove and a curved corner return onto a second frontage running parallel with a railway cutting immediately behind (to the south).

The Applicants' evidence

4. The Applicants provided the tribunal with a lever arch file containing relevant documents for the purpose of this application. These included notification to the lessees of this application, together with a section 20 notice dated 5 March 2019 informing the lessees of the Applicants' intention to carry out these works. A copy of the report of W Hardy Drainage Solutions Ltd was also provided and a copy of a sample lease for Flat 7 Highbury Court. The Applicants advised the tribunal that major works were currently ongoing at Highbury Grove Court under the supervision of Network Rail, which could be affected by the disrepair to the drainage system. The Applicants stated that access for the purpose of the ongoing major works are subject to limited possession dates which require advanced notice. Therefore, any delay to carrying out the required drainage works, could adversely impact the

major works and cause significant unnecessary expense. Consequently, works to the drainage system at the subject premises had already been carried out and completed.

The Respondents' case

11. No objection to this application was received by the tribunal or by the Applicants from any of the lessees

The tribunal's decisions and reasons

12. In the absence of any party requesting an oral hearing, the tribunal determined this matter on the documents provided by the Applicants. The tribunal is satisfied that the required works identified by the Applicants, fall within their liability to repair and maintain. Further, the tribunal is persuaded that the identified works were required as a matter of urgency, in light of the health and safety hazards that the disrepair to the drainage system presented, together with the likelihood of significant delay and increased costs to the major works currently being undertaken under the supervision of Network Rail. In the absence of any objection to the application and the lack of any identified prejudice caused to the lessees, the tribunal determines it is reasonable and appropriate to grant the dispensation sought by the Applicants.
13. In granting this dispensation the tribunal does not consider or determine any issues as to the reasonableness of the costs incurred or the standard of the works carried out.

Signed: Judge Tagliavini

Dated: 25 April 2019