



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

Case reference : **LON/00AZ/LDC/2019/0112**

Property : **Station Court, 392 New Cross Road,
London SE14 6TY.**

Applicant : **R.G. Securities (No. 3) Ltd.**

Representative : **Parkfords Management**

Respondent : **Various Leaseholders as per the
application.**

Representative : **In person**

Type of application : **Application under S.20ZA Landlord
& Tenant Act 1985 for dispensation
from the requirements to consult in
relation to Qualifying Works.**

Tribunal member(s) : **Ms. A. Hamilton-Farey
Ms. S. Coughlin**

**Date and venue of
determination** : **16 September 2019 at 10 Alfred
Place, London WC1E 7LR**

Date of decision : **16 September 2019**

DECISION

Decisions of the tribunal

- (1) The tribunal determines that it will exercise its discretion and grant dispensation from the requirements to consult leaseholders in relation to the replacement sewage pump at the premises as detailed in the application.

The application

1. The applicant seeks a determination pursuant to s.20ZA of the Landlord & Tenant Act 1985.
2. The application which is dated 19 July 2019 relates to the replacement of a sewage pump at the property. The tribunal has been informed that one of the sewage pumps no longer works and requires replacement. The applicant says that the works to replace the pump are urgently required because the sewage system is using the only remaining pump and there is a possibility of a sewage overflow.
3. On 25 July 2019, the tribunal issued directions, which were amended on 5 August. These required amongst other things for any respondent leaseholder who opposed the application to indicate their opposition on a reply-slip and provide a statement setting out the grounds of opposition.
4. The directions also required the applicant to provide a bundle of documents, including any statements from respondents. A bundle has been supplied to the tribunal and it appears from the documents within that bundle that the application is agreed by a majority of the leaseholders in the block.
5. The tribunal has considered the papers provided and determines that it should exercise its discretion and grant dispensation from any further requirements to consult leaseholders in relation to these works which are urgently required, and if the applicant were to comply with the Consultation Regulations this would cause undue delay.
6. The parties should be aware however, that the grant of dispensation does not mean that the tribunal is satisfied the works, when complete will be reasonable or the costs of carrying out those works would be either reasonable or payable by the respondents. The respondents' rights under S.27A of the Landlord & Tenant Act 1985 to challenge the cost and/or payability of the costs for the works are preserved.

Tribunal: Aileen Hamilton-Farey

Date: 16 September 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).