



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

**Case Reference** : **LON/00AW/LDC/2019/0156**

**Property** : **50 Pont Street, London**

**Applicant** : **The Wellcome Trust Limited**

**Representative** : **Savills (UK) Ltd**

**Respondent** : **Various leaseholders**

**Representative** : **N/A**

**Types of Application** : **Section 20ZA - dispensation**

**Tribunal Members** : **Judge Tagliavini  
Mr. M Taylor FRICS**

**Date and venue of (paper) hearing** : **28 November 2019  
10 Alfred Place, London WC1E 7LR**

**Date of Decision** : **28 November 2019**

**DECISION**

## **Decisions of the tribunal**

### **I The Tribunal grants the application seeking dispensation under section 20ZA of the Landlord and Tenant Act 1985 in respect of the works to replace the hot water cylinder at 50 Pont Street.**

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#### **The application**

1. This is an application made under the provisions of section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) seeking dispensation from the consultation procedures required under section 20 of that Act in respect of works of replacement to the communal hot water tank.

#### **The premises**

2. The premises comprise a Victorian terraced house converted into 9 flats all of which are held on long leaseholds.

#### **Background**

3. In March 2019, it was reported to the Applicant’s property manager at Savills that the communal cylinder providing hot water to the flats at the subject premises was leaking and had caused damage to 3 of the 9 flats. Investigations into the cause of the leak were carried out and it was subsequently recommended that the hot water cylinder was corroded beyond repair and required replacing. This work was carried out in April 2019 by PHD Mechanical at a cost of £15,582.32 (including VAT).

#### **The Applicant’s evidence**

4. In support of the application made on 6 September 2019 and the directions given by the tribunal dated 16 September 2019 (varied 8/10/19), the applicant provided a small bundle of documents on which it relied. These included a short statement from James Hopkins of Savills dated 13/11/19 detailing the investigations made to identify the fault and the nature and extent of the urgent works that were carried out. A letter dated 14 October 2019 addressed to the lessees notified them of this application, with a copy attached together with the tribunal’s directions. These documents provided the lessees with an opportunity to contact the tribunal if they objected to the application for dispensation from the consultation requirements being granted.

#### **The respondent’s case**

5. No objections or any other comments were received by the tribunal from any of the lessees.

#### **The tribunal’s decisions and reasons**

6. In making its determination, the tribunal took into account the absence of any objections by the lessees to the application and the absence of any identified prejudice that might be caused to them if the application was to be granted. Therefore, having regard to urgent nature of the works carried out, the tribunal finds that it is reasonable and appropriate to grant the applicant dispensation from the consultation requirements of the 2985 Act.

**Signed: Judge Tagliavini**

**Dated: 28 November 2019**