



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

Case reference : **LON/00AY/LDC/2019/0150**

Property : **69, Mitcham Lane, Streatham,
London SW16 6LW**

Applicant : **Long Term Reversions (Torquay)
Limited**

Representative : **HLM Property Management**

Respondent : **The leaseholders at 69 Mitcham
Lane, Streatham**

Representative :

Type of application : **To dispense with the requirement
to consult lessees about major
works/ a long-term agreement**

Tribunal member(s) : **Tribunal Judge Dutton
Mr L. Jarero FRICS**

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

Date of decision : **4th December 2019**

DECISION

Decisions of the tribunal

The tribunal determines that it will grant dispensation from the consultation requirements under s20 of the Landlord and Tenant Act 1985 (the Act), pursuant to s20ZA for the reasons set out below

The application

1. The applicant seeks a determination pursuant to s20ZA of the Act for dispensation of the consultation requirements under s20 of the Act having made the application through HML Property Management its property managers on 27th August 2019.
2. The application indicated that dispensation was sought to replace both sewerage pumps at the property which had failed, exposing the basement flats to the danger of flooding with sewerage. Until new pumps can be fitted it appears that a tanker has had to attend the property, on a daily basis, to empty the chamber
3. On 25th September 2019 the agent wrote to leaseholders advising them that this application would be made with reasons why. A further letter dated 4th October was also sent following additional directions from the tribunal. It seems that the works have already been undertaken. Quotes were obtained from three companies, PumpServe at a price of £4,2750 plus VAT; Xylem at a price of £5,792.16 plus VAT and two quotes from PHD Mechanical, one for £5,557.50 plus VAT and another for £3,731 plus VAT.
4. The actual costs appear from invoices included in a bundle of papers provided by the managing agent to us prior to the consideration of this application. The costs appear to have been incurred with PHD, firstly for undertaking the work in inclusive sum of £4,957.20 and attendances prior to the replacement works in August in the sums of £1,764, £1,296 and £5,184. These latter invoices appear to relate to attendances to empty the tank, on a daily basis.
5. Directions were issued on 9th September 2019, subsequently amended, and on 27th November 2019 the agent confirmed that the application, copies of the three quotes referred to above and the directions were either hand delivered to each leaseholder and those not living at the property were sent these documents by post.
6. It was ordered that this matter could be considered as a paper determination in the week commencing 27th November 2019 but has been delayed until we have considered the matter on 4th December 2019.

Findings

7. We had before us a bundle of papers prepared by HML. This contained a copy of the application, the letters sent to the leaseholders and the quotes we referred to above. In addition, the invoices from PHD were included.
8. We have considered the papers and note that no leaseholder has raised an objection to the application. We are satisfied that the replacement of the sewerage pumps was an urgent piece of work and that it was appropriate to request dispensation in this case.
9. In the absence of any objection we are not aware of any prejudice that might be occasioned to a leaseholder.
10. Accordingly, we are in this case prepared to grant dispensation from the consultation requirements under s20 of the Act. We should however, make it clear that the only issue for us to consider was whether it was reasonable to dispense. The decision does not impact on whether the issue of any costs arising are reasonable or payable.

Name: Tribunal Judge Dutton **Date:** 4th December 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).