



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

Case Reference : **LON/00BK/LDC/2020/0025**

Property : **Middleton House, Causton St, London
SW1P 4AS**

Applicant : **Grainger Invest No 2 LLP**

Representative : **Metrus**

Respondents : **The Lessees as named on the
application (1)**

Representative : **Not represented**

Type of Application : **S20ZA Landlord and Tenant Act 1985**

Tribunal Member : **Judge F J Silverman Dip Fr LLM**

**Date of paper
consideration** : **04 March 2020
10 Alfred Place, London WC1E 7LR**

Date of Decision : **04 March 2020**

DECISION

- 1 The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985 on the grounds that all tenants were notified of the application under s20ZA and no objections were received.
- 2 The Tribunal also releases the Applicant from the requirement under s20 to obtain more than one estimate for the proposed works provided that the reason for selecting Cadent as the contractor for these works is fully explained to each tenant in writing before the works commence.

REASONS

1. The Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. The Application to the Tribunal was made on 14 January 2020.
3. Directions were issued by the Tribunal on 29 January 2020.
4. This matter was determined by a paper consideration at 10 Alfred Place, London WC1E 7LR on 04 March 2020 at which the Tribunal considered the Applicant's application and accompanying documents.
5. The Directions issued by the Tribunal on 29 January 2020 had been sent by the Applicant to all Respondents asking them to respond and to indicate whether or not they opposed the application. No objections were received by the Tribunal.
6. Middleton House (the property) comprises a purpose built block of flats in a conservation zone in central London. It is believed to have a gas installation system which is approximately 90 years old, no longer compliant with current regulations and not capable of being brought up to standard using the existing pipework. Currently four flats are without a gas supply because no supplier will connect them to the existing network. Part of the property needed to have an emergency pipe replacement in 2013 and in order to avoid

a similar problem with the remaining flats the Applicant wishes to carry out a planned renewal of the system for which they have obtained a quotation from Cadent who are the only contractors authorised to carry out this work.

7. Since Cadent are the only authorised contractors it is not possible for the Applicant to comply fully with s20 Landlord and Tenant Act 1985 which requires at least 2 quotations to be obtained. The Applicant therefore requests the Tribunal to grant a dispensation from compliance with the full requirements of the section in order to allow the work to proceed.
8. The Tribunal was not asked to inspect the property and in the context of the issues before it did not consider that an inspection of the property would be either necessary or proportionate.
9. The Applicant has a repairing obligation in respect of the structure, exterior and common parts of the premises (including mains services) imposed on it by a lease dated 16 April 2010.
10. A notice of intention to carry out the proposed works was sent to the Respondent tenants on 19 June 2019. The period by which lessees were to make their written observations expired on 19 July 2019. No objections were received.
11. The works have not yet commenced.
12. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides:

“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 any qualifying works or qualifying long term agreement, the tribunal may make the determination *if satisfied that it is reasonable to dispense with the requirements*” (emphasis added).
13. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable.
14. Having considered the submissions made by the Applicant the Tribunal is satisfied that the proposed works are both urgent and necessary and that no undue prejudice will be caused to or suffered by any tenant by the grant of dispensation under s20ZA.
15. Further, the Tribunal accepts that it is not realistic in the present circumstances for the Applicant to obtain more than one estimate for the proposed works, therefore the Tribunal authorises the work to proceed with Cadent providing the sole estimate for the contract.

16. This determination does not affect the tenants' rights to apply to the Tribunal challenging the payability or reasonableness of the service charges.

Judge F J Silverman as Chairman

Date 04 March 2020

Note:

Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.