



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

**Case Reference** : **LON/00AW/LDC/2019/0215**

**Property** : **Chalfont House, 19-21 Chesham  
Street London SW1X 8NG**

**Applicant** : **The Tenants' Association of  
Chalfont House Limited**

**Representative** : **Rendall and Ritter Limited**

**Respondents** : **Leaseholders of Chalfont House  
listed in the schedule attached to  
the Application**

**Representative** : **None advised**

**Type of Application** : **Application to dispense with  
consultation requirements in  
relation to qualifying works; under  
section 20ZA Landlord and Tenant  
Act 1985**

**Tribunal Members** : **Judge Pittaway  
Ms M Krisko FRICS**

**Date and venue of  
Consideration** : **11 March 2020  
10 Alfred Place London WC1E7LR**

**Date of Decision** : **11 March 2020**

---

**DECISION**

**The Tribunal grants the application for retrospective dispensation from statutory consultation in respect of certain qualifying works, namely the replacement works to the communal boilers at the property.**

---

## REASONS

### The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the **Act**”) dispensing with statutory consultation in respect of the replacement works to the communal boilers at the property, which provide heating and hot water to the flats in the property.
2. The Applicant is the freeholder and landlord of the property and the Respondents are the leaseholders of the same. The property consists of 35 purpose built flats in two blocks.
3. The application, made by The Tenants’ Association of Chalfont House Limited was received by the Tribunal on 20 December 2019. The Directions were issued by the Tribunal on 30 December 2019. The Directions listed the matter for a paper determination for the week commencing 2 March 2020, unless any party made a request for a hearing. There was no request for a hearing.
4. Rendall and Ritter Limited in their statement have confirmed that, having obtained a report from Quotehedge (boiler engineers) as to how to deal with the communal boiler which had failed, they discussed the possible options proposed with the Applicant and agreed to replace the boiler modules without delay to obviate health and safety concerns. All the tenants were notified of the anticipated costs by e mail on 21 August 2019. Rendall and Ritter state that no objections were received from any tenant. They state that it was then agreed to apply for dispensation from the Section 20 consultation process.
5. The Directions invited any leaseholder who opposed the application to submit a response form to the Tribunal, copied to the Applicant by 24 January 2020. The Tribunal received twelve responses from tenants; all of which supported the landlord’s application for dispensation from full consultation for the replacement works to the boiler.

### Determination and reasons

6. Section 20ZA(1) of the Act 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.”*

7. Having considered Rendall and Rittner's statement, including that it was agreed that they would apply for dispensation, and the responses received from various tenants the Tribunal considers it reasonable to determine that the Applicant may dispense with the consultation requirements of section 20 of the Act in relation to the replacement works to the communal boilers at the property.
8. In reaching its decision the Tribunal has had regard to the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.
9. This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and cost of the replacement works to the boilers.
10. As directed in paragraph 9 of the Tribunal's Directions the Applicant should serve a copy of this decision on all the leaseholders and confirm to the Tribunal that it has done so.

Name: Judge Pittaway

Date: 11 March 2020

### **RIGHTS OF APPEAL**

1. 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.
2. 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.
3. 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.
4. 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.