



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

**Case reference** : **LON/ooBK/LDC/2023/0136**

**HMCTS code** : **P: PAPER REMOTE**

**Property** : **10 Montrose Place, London, SW1X 7DX**

**Applicant** : **Montrose Place Management Limited**

**Representative** : **James Andrew Residential**

**Respondents** : **The leaseholders of Apartments 1 – 18,  
whose names are annexed to the  
application form**

**Type of application** : **Dispensation with Consultation  
Requirements under section 20ZA  
Landlord and Tenant Act 1985**

**Tribunal member** : **Judge Robert Latham**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **25 July 2023**

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**DECISION**

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The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of urgent works to the boilers.

## **Covid-19 pandemic: description of hearing**

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The applicant has filed a bundle in support of the application.

### **The Application**

1. On 16 May 2023, the Applicant applied for retrospective dispensation from the statutory duty to consult in respect of urgent works to the boilers at 10 Montrose Place, London, SW1X 7DX ("the Property").
2. The Property is a purpose built block of 15 apartments in Belgravia. On 9 March 2023, the Applicant served a Notice of Intention to execute urgent works to the boilers. These are approximately 15 years old and had been leaking constantly. Staff had to vacuum up water some six times a day to prevent the plant room from becoming flooded. The Applicant concluded that works to replace the two twin coil buffer vessels which serve the communal boiler could not be delayed by proceeding through the subsequent stages of the statutory consultation procedures. The Applicant obtained three quotes for the works from Polybeck (14.4.23): £17,239; Sowga (18.4.23): £20,615 and Dean Heat: £31,469 (all quotes inclusive of VAT). The Applicant proceeded with the quote that offered best value.
3. On 9 June 2023, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
4. By 16 June 2023, the Applicant was directed to send to the leaseholders by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents' names and addresses) unless already sent by the applicant to the leaseholder/sublessee; (ii) if not already provided, in the application, a brief statement to explain the reasons for the application; and (iii) the directions. The Applicant was further directed to display a copy of these in a prominent place in the common parts of the property.
5. On 9 June 2023, the Applicant sent to the Respondents, the application form, the directions and copies of the three quotes. The Applicant confirmed that the works had been completed.
6. By 30 June 2023, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder

was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.

7. The Applicant has provided a Bundle of Documents (93 pages) in support of the application. It has also provided a copy of the lease for Apartment 5.

8. Section 20ZA (1) of the Act provides:

“Where an application is made to the appropriate 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.”

9. **The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
10. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
11. The Directions make provision for the service of the Tribunal’s decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the Respondents.

**Judge Robert Latham  
25 July 2023**

#### **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 **by e-mail**

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).