



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

**Case reference** : **LON/00AY/LDC/2023/0178**

**Property** : **1-48 Farnley House, Union Grove,  
London SW8 2RT**

**Applicant** : **The Mayor and Burgesses of the London  
Borough of Lambeth**

**Representative** : **Patrick Byfield @ Homeownership  
Services  
Ref: HOS/LIT/PBYF/606961**

**Respondents** : **The Leaseholders as per the application**

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

**Type of application** : **Section 20ZA of the Landlord and  
Tenant Act 1985 – dispensation from  
consultation**

**Tribunal member** : **Judge Tagliavini**

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

**Date of decision** : **23 October 2023**

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**DECISION**

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## **The tribunal's decision**

**The tribunal grants the application for dispensation from consultation required under Schedule 3 of The Service Charges (Consultation Requirements) (England) Regulations 2003, in respect of both temporary and permanent works of repair to remedy leaks to the mains water supply to 1-48 Farnley House, Union Grove, London N15 ('the Building') as set out in quotations/invoices in the sums of £3,604.50 and £14,999.53.**

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## **The application**

1. The applicant seeks dispensation from consultation for works carried out under a long-term qualifying agreement in respect of emergency works (both temporary and permanent) to remedy leaks to the mains water supply to the Property.

## **Background**

2. The applicant is the freeholder of the Building which comprises a purpose built low-rise block consisting of 48 mixed tenure flats of which 17 are held on long leases. On 12 May 2023 the applicant was notified of a leak on the mains pipework, located in one of the Building's electrical intake cupboards. On the same day, a Work Order (W/O Ref 3420335/1) was raised for the applicant's qualifying long-term contractor, T Brown Limited to attend to investigate the reported burst main, drain the water ingress, and to install a temporary mains water supply as an emergency temporary repair.
3. The temporary repair was carried out on an urgent basis due to the location of the leak, being in an electrical intake cupboard. Due to water ingress into the electrical intake cupboard, there was said to be a risk of electrical outage to the block or an electrical fire. In addition, it was believed by the applicant there was the risk of pipeline rupture. Consequently, urgent temporary works were required to reduce or remove the risk of electrical fire or outage.#
4. Subsequently, permanent works of repair were carried out by the same contractor in the sum of £14,999.53.

## **The hearing**

5. As neither party requested an oral hearing the application was determined on the documents provided by the applicant in the form of a hearing bundle of 75 (electronic) pages.

6. The applicant provided written submission in support of the application together with copies of the quotes for the recommended temporary and permanent works. Included in the bundle were comments from the only leaseholder who responded, whose comments and queries related largely to issues arising in respect of their own flat, rather than addressing any objections to the application for dispensation.

### **The tribunal's decision**

7. The tribunal grants the application for dispensation from consultation required under Schedule 3 of The Service Charges (Consultation Requirements) (England) Regulations 2003 respect of both temporary and permanent works of repair to remedy leaks to the mains water supply to 1-48 Farnley House, Union Grove, London N15 as set out in quotations in the sums of £3,604.50 and £14,999.53.

### **The tribunal's reasons**

8. The tribunal is satisfied the respondents received notice of this application and as confirmed by the applicant in its written submission dated 30/06/2023. The tribunal is also satisfied the leaseholders also received written communications from the applicant, informing them of the scope and cost of the works.
9. The tribunal finds the nature of the works required an urgent temporary remedy followed quickly by a permanent repair in light of the likelihood of an interruption to the water and electrical supply, as well as the potential for health and safety hazards arising. Further, in the absence of any or any substantial prejudice caused to the leaseholders by the absence of formal consultation, the tribunal finds it reasonable and appropriate to grant the dispensation sought by the applicant; *Daejan Investments Ltd v Benson* [2013] UKSC 14; [2013] 1 WLR 854.

**Name: Judge Tagliavini**

**Date: 23 October 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 to the First-tier Tribunal at the Regional Office which has been dealing with the case. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).