



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

**Case reference** : **CAM/00KF/LDC/2023/0022**

**Property** : **Centenary Place, Southchurch  
Boulevard, Southchurch,  
Southend on Sea, Essex SS2 4UA**

**Applicant** : **McCarthy & Stone Retirement  
Lifestyles Ltd**

**Representative** :

**Respondents** : **The leaseholders named on the  
application**

**Representative** :

**Type of application** : **For the dispensation of some of the  
consultation requirements under  
s.20 Landlord and Tenant Act 1985**

**Tribunal member** : **Judge Simon Brilliant**

**Date of decision** : **20 July 2023**

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**DECISION**

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**Decision of the Tribunal**

The Tribunal determines that those parts of the consultation requirements provided for by s.20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

### **The application**

1. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by s.20 of the Act. The application was dated 05 April 2023.
2. Directions of the Tribunal were issued on 12 June 2023.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

### **The hearing**

4. The matter was determined by way of a paper hearing which took place on 20 July 2023.

### **The background**

5. Centenary Place, Southchurch Boulevard, Southchurch, Southend on Sea, Essex SS2 4UA is an attractive development of 31 retirement flats.

### **The application**

6. The landlord has applied for retrospective dispensation from the statutory consultation requirements in respect of works to the heating/hot water pumps at the Property. The works were carried out without dispensation being applied for due to them being stated to be critical to heating and hot water within the development.

7. In April 2023 GP Plumbing & Heating Engineers Ltd carried out the following work in accordance with their estimate dated 08 March 2023:

*Description:*

*REMEDIAL WORK- PUMP 2 & PUMP 3*

*SHUT DOWN REQUIRED*

*To attend site and carry out the following:*

*(PUMP 2)*

*Replacement pump 1/2" AAV valve to be installed on the Volute. 1 x 1/2" female valve. 1 x 1/2" nipple. 1 x 1/2" male aav.*

*(PUMP 3)*

*Sensor replacement.*

*Pressurisation unit: Isolation and drain kit. 1 x 300 litre vessel. 1 x 1/2" female valve. 1 x 1/2" nipple. 1 x 1/2" male AAV. 1 x pump. 1 x sensor. 1 x back entry 1/4" 0-4 bar gauge.*

*Fully test upon completion. Remove all redundant materials from site.*

*Breakdown of costs: Materials-£7,673.40 Labour-£1,730.00 Total-£9,403.40  
+ VAT = £11,248.08*

8. No objections to the application were received from any of the Respondents. There is no evidence of any prejudice suffered by them as a result of there having been no statutory consultation.

9. The only issue for the Tribunal is whether 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.**

### **Decision of the tribunal**

10. s.20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.

11. Dispensation is dealt with by s.20ZA of the Act which 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"**

12. The Tribunal is satisfied that, in the particular circumstances of this case, the works being critical to heating and hot water within the development it is reasonable to dispense with the consultation requirements in respect of these works.

13. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

**Name:** Simon Brilliant

**Date:** 20 July 2023