



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

**Case reference** : **LON/00AK/LDC/2023/0296**  
**P:Paperremote**

**Property** : **1-12 Warne Court 8 Village Road  
Enfield EN1 2FD**

**Applicant** : **Warne Court Management  
Company Limited**

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

**Type of application** : **To dispense with the consultation  
requirements under S.20 Landlord  
and Tenant Act 1985**

**Tribunal member(s)** : **Mrs E Flint FRICS**

**Date and venue of  
determination** : **19 February 2024  
Remote on the papers**

---

**DECISION**

---

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by the Respondent. A face to face hearing was not held because it was not practicable, no-one requested the same, and all the issues could be determined on the papers. The documents that I was referred to were in a bundle of 66 pages, the contents of which I have recorded.

### **Decision of the tribunal**

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the replacement of the ground water pump serving the block of flats.
- (2) The question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

### **The Background**

1. The application under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) was made by the Applicant on 22 November 2023.
2. The Applicant has applied for dispensation from the statutory consultation requirements under section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 in respect of the replacement of a ground water pump.
3. Directions were issued on 14 December 2023 requiring the applicant to prepare bundles to include statements
  - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
  - (ii) The Leaseholders were asked to confirm whether or not they would give their consent to the application.
  - (iii) In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application and provide copies of all documents to be relied upon.
4. The Applicant confirmed that copies of the application were emailed to all the leaseholders on 10 January and a copy was displayed in the entrance area to the building on the same date.
5. No objections were received from the leaseholders.
6. The Leaseholders were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

## **The Evidence**

7. The building comprises a purpose built block of twelve flats constructed 2012/2013.
8. In early 2023 tenders were sought for the replacement of the ground water pump serving the building. During the tender process it was discovered that an additional sewage pump would require significant works.
9. Notice of Intention was served on 27 October 2023 and an application for Dispensation submitted to the tribunal on 21 November 2023.
10. Tenders for both sets of works were finalised in late October 2023. The Board were concerned that unless the ground water pump was replaced further damage would occur, particularly as the weather was turning. The Board therefore decided to go ahead with the ground water pump works. Moreover, the service charge account already had sufficient funds to cover the cost of the ground water pump works.
11. Notice of Intention had been served in July 2023. No responses were received nor had any alternative contractors had been proposed by the leaseholders.
12. Three contractors were asked to quote and a specialist Mechanical and Engineering expert was used to agree the scope of the tender. The cheapest of the three quotations, in the sum of £12,745 + VAT was accepted.
13. Further funds for the sewage pump works would be collected in January 2024.

## **The Decision**

14. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
15. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed urgently and that no prejudice to the lessees has been demonstrated or asserted.

16. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

**Name:** Evelyn Flint

**Date:** 19 February 2024

### **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. 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>
4. 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.
5. 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.