



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

**Case reference** : **LON/00AW/LDC/2023/0243**

**Property** : **Caroline Court, 28 St Lukes Road,  
London, W11 1DJ**

**Applicant** : **Neil Forshaw**

**Representative** : **None**

**Respondent** : **The leaseholders of Caroline Court,  
London, W11 1DJ**

**Type of application** : **For dispensation from statutory  
consultation**

**Tribunal  
member(s)** : **Mr O Dowty MRICS**

**Date of  
determination** : **22 March 2024**

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**DECISION**

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## **Decision of the Tribunal**

The Tribunal grants the application for dispensation from statutory consultation in respect of the qualifying works.

### **The application**

1. The applicant, Mr Forshaw, is a director of Caroline Court (1993) Ltd – the landlord of the subject premises Caroline Court, 28 St Lukes Road, London, W11 0DJ. The property is a purpose-built block of 9 flats located on the corner of St Lukes Road and McGregor Road.
2. The application, dated 28 September 2023, seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“The Act”) dispensing with statutory consultation in respect of qualifying works. At the time of that application, those works had not been carried out, but the Tribunal understands they have now been on 25 October 2023.
3. Directions were issued by the Tribunal on 3 November 2023. Those Directions provided that the applicant was to send to the leaseholders of the property copies of the application form (if not already sent) and the Tribunal’s Directions. In addition, the applicant was to display a copy of the Directions in the common parts. In a letter dated 3 February 2024, the applicant confirmed to the Tribunal, following a request for that confirmation from the Tribunal in a letter dated 2 February 2024, that this had been done on 18 November 2023.
4. The Tribunal’s letter of 2 February 2024 also requested that the applicant provide the name of the landlord of Caroline Court, confirm that the applicant is a director of that company and provide evidence of the works carried out by way of reports or invoices. The applicant did so in his letter dated 3 February 2024 in addition to confirming that service had been effected.
5. The Tribunal considered that a paper determination of the application was appropriate, and the applicant indicated that they were content for this to happen in their application. The Tribunal therefore determined the matter on the basis of the papers provided to it without a hearing.
6. The Tribunal did not inspect the subject property as it was not necessary to do so to determine the present application.

## **The Qualifying Works**

7. The applicant avers that the communal boiler had failed its service and been deemed unfit. It was therefore turned off, and a new replacement boiler needed to be installed urgently.
8. The applicant has provided an invoice dated 15 November 2023 from My Plumber Man Ltd. That invoice provides a detailed breakdown of the work carried out, summarised as “boiler installation” – to a total cost of £5,030.52 including VAT.
9. Whilst no consultation was carried out, the applicant says he provided a ‘list of options’ on 28 August 2023, and a further ‘list of options’ along with advice that the current boiler had been deemed unfit on 21 September 2023.

## **Decision and Reasons**

10. 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.*

11. The applicant’s case is that the works were required urgently to install a new communal boiler, the previous one having been shut down as it was deemed unfit. The applicant has provided an invoice in support of this, the works having now been conducted.
12. The Tribunal has not received submissions from any leaseholders or other interested parties objecting to the application or its contents and the applicant has confirmed they have not received any such objections either.
13. On the balance of evidence provided to the Tribunal, the Tribunal finds that it was appropriate to carry out the qualifying works without carrying out statutory consultation. It is clearly reasonable to seek, in Autumn in the present case, to urgently install a new communal boiler when the previous one has been deemed unfit and has been turned off as a consequence.

14. The Tribunal therefore considers it reasonable to grant the application for dispensation from statutory consultation. No conditions on the grant of dispensation are appropriate and none is made.
15. This decision does not affect the Tribunal's jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable and payable costs of the works, should this be disputed by any leaseholder.

**Name:** Mr O Dowty MRICS

**Date:** 22 March 2024

### **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 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).