



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

**Case reference** : **LON/00AJ/LDC/2023/0245**

**Property** : **6 The Grove, Ealing, London, W5 5LH**

**Applicant** : **Mortimer Nominees Limited**

**Representative** : **Aleksandra Szewczyk, Estate Manager  
of Colin Bibra Residential and  
Commercial Management**

**Respondent** : **The leaseholders listed on the schedule  
attached to the application**

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

**Type of application** : **Dispensation from consultation –  
section 20ZA of the Landlord & Tenant  
Act 1985**

**Tribunal members** : **Judge Tagliavini  
Ms S Phillips MRICS**

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

**Date of decision** : **21 November 2023**

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**DECISION**

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## **Decisions of the tribunal**

1. The tribunal grants the applicant landlord dispensation from the statutory consultation requirements of section 20 of the Landlord and Tenant Act 1985 in respect of the replacement of the pump system at the property situate at 6 The Grove, Ealing, London W3 8HR in the estimated sum of £4,373.45.
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## **The application**

2. The Applicant landlord has applied for dispensation from the statutory consultation requirements of section 20 of the Landlord and Tenant Act 1985 in respect of the replacement of a failing pump system. The estimated cost of the works is £4,373.45.
3. The applicant stated that leaseholders were previously sent a Notice of Intention dated 5 October 2023. However, the application for dispensation is said to be urgent because the pump system is currently failing and the immediate replacement is required in order to prevent flooding.

## **The background**

4. The subject building at 6 The Grove, Ealing, London W3 8HR ('the Building') comprises a purpose built block of 7 flats. In the application the works required were set out as comprising:

PUMPS KSB Ama-Porter 603NE x 2.00	£2,599.04
FLOATS Tear Drop Sewage Float 10mt cable x 4.00	£230.00
TANKER Tanker - Between 08:00-16:00 (Mon-Fri) 2 Hours onsite with standard hose length of 80 meters within 65 mile Radius. Exclusive of waste additional hours charged at £75.00 p/h	£380.00
TANKER Waste disposal - Per 1000 Gallons	£ 68.00
LABOUR Engineer to install	£367.50
Notes:	
VAT @ 20.00%	£728.91

**Total inc. VAT £4,373.45**

### **The hearing**

5. As neither party requested an oral hearing, the tribunal determined the application on the documents provided. However, the applicant failed to provide an indexed and paginated bundle of the documents referred to in the application and provided only a single substantive paragraph in support of its application which stated:

*The pressing pump issues required immediate attention, as the aging pumps started failing more frequently despite our gradual attempts to fix them. Urgent repairs were essential to prevent potential flooding in the basement flats, following the maintenance company's assessment. As a result, on October 19<sup>th</sup>, 2023, we promptly conducted the necessary work to mitigate these critical concerns.*

*We earnestly hope that dispensation can be granted to our actions, undertaken in the best interest of all residents*

*No objections have been raised by the Leaseholders.*

### **Reasons for the tribunal's decision**

6. The tribunal is satisfied the respondent leaseholders have been notified of this application as confirmed by the applicant in an email to the tribunal.
7. In reaching its decision the tribunal took into account the limited documentary evidence provided by the applicant, despite the tribunal's clear directions. At the least the tribunal would have expected to have been provided with copies of the documents referred to in the application and a proper statement from the applicant in support.
8. Notwithstanding the absence of documentation and in the absence of any objection from any leaseholder identifying any substantive prejudice caused, if dispensation from consultation is granted, the tribunal finds the works were of a sufficient urgency to require immediate replacement and that it is reasonable and appropriate to grant the dispensation sought; *Daejan Investments v Benson* [2013] UKSC 14.

**Name:** Judge Tagliavini

**Date:** 21 November 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 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).