



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

Case reference : **LON/00AW/LDC/2024/0131**

Property : **Campden House Court, 42 Gloucester Walk, London W8 4HU**

Applicant : **The Trustees of the Pitt Kensington Estate**

Representative : **Sloane Asset Management Ltd**

Respondents : **The leaseholders of Flat 1, 1 A and Flats 3-12**

Representative : **N/A**

Type of application : **Application for dispensation – s.20ZA of the Landlord and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

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

Date of decision : **15 July 2024**

DECISION

The tribunal's summary decision

1. The tribunal grants the applicant dispensation from the consultation requirements in respect of the works carried out to repair/replace a cracked cast iron pipe of the external wall of the building situate at Campden House court, 42 Gloucester Walk, London W8 4HU ('the Building').
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The application

2. This is an application made under the provisions of s.20ZA of the Landlord and Tenant Act 1985 seeking dispensation from the requirement to carry out consultation for intended works to the Building.

Background

3. The intended works to repair/replace a cracked cast iron pipe to the external wall of the Building are said to be urgent due to the security concerns raised by the presence of necessary scaffolding and the likelihood of damage to the fabric of the Building by water penetration from the cracked downpipe.
4. The building comprises a purpose built block of 14 flats across 5 stories. Flats 1, 1A and 3-12 are occupied by long leaseholders. Flat 2 is provided for the use of a caretaker.
5. A Notice of Intention to carry out these works was served on the respondent leaseholders as well as this application for dispensation. The cost of the works have been quoted by On Call Property Services to be in the region of £11,100 (including VAT).

The hearing

6. Neither party requested an oral hearing and this matter was determined on the papers using the digital bundle of 31 pages provided by the applicant.
7. No representations were received from any of the respondent lessees.
8. The tribunal was satisfied by the applicant that notice of this application had been given to the respondents in accordance with the tribunal's directions dated 22 May 2024.

The tribunal's decision and reasons

9. In the absence of the identification of any or any substantive prejudice caused to the respondents, were the application to be granted and in light of the urgent nature of the works carried out, the tribunal considers it appropriate to grant the dispensation sought; *Daejan Investments Limited v Benson and others* [2013] UKSC 14 & [2013] UKSC 54

Name: Judge Tagliavini

Date: 15 July 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 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).