



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

Case reference : **LON/00AW/LDC/2024/0156**

Property : **11 Cadogan Square, London SW1X 0HT**

Applicant : **11 Cadogan Square Freehold Limited**

Representative : **C/O Principia Estate and Asset Management**

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

Representative : **N/A**

Type of application : **S.20ZA – Application for dispensation from consultation**

Tribunal member : **Judge Tagliavini**

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

Date of decision : **30 July 2024**

DECISION

The tribunal's decision

- (1) The tribunal grants the dispensation from consultation sought by the applicant, in respect of the replacement of the two commercial boilers at 11 Cadogan Square, London SW1X 0HT and associated works.
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The application

1. This is an application pursuant to section 20ZA of the Landlord and Tenant Act 1985 seeking dispensation from consultation in respect of the replacement of two commercial boilers required for heating/hot water at the subject property.
2. The property is a mansion block comprising of 5 flats on five floors (including basement, ground and three upper floors). The property is served by two commercial boilers providing heating and hot water. The applicant asserted one boiler had broken down completely and the other suffered from frequent breakdowns.
3. A Notice of Intention dated 5 June 2024 was served on the respondents and one quote was obtained by the applicant from The Commercial Group Ltd in the sum of £83,908.20 (including VAT). The applicant asserted it intended to obtain a second quotation.

The hearing

4. Neither party requested an oral determination and therefore, this application was determined on the documents using the 113 page digital bundle provided by the applicant.
5. In the documents provided to the tribunal, copies of correspondence from a lessee was included, which confirmed the frequent and highly inconvenient breaking down of the one working boiler.
6. The tribunal did not receive any objections to this application from the lessees. The applicant also confirmed it had not received any objections to this application from the respondent lessees.

The tribunal's reasons

7. The tribunal is satisfied the respondent lessees had been notified of this application as directed by the tribunal in its directions dated 26 June 2024.

8. The tribunal finds the required works are urgent, due to the loss of provision of heating and hot water to the lessees. The tribunal is satisfied the lessees have been notified of the applicant's intention to carry out these works and that under the terms of the lease it is required to do so.
9. In the absence of any objection from the respondent lessees and the identification of any prejudice caused were dispensation from consultation to be granted, the tribunal finds it is reasonable to grant the dispensation sought; *Daejan Investments Limited v Benson and others* [2013] UKSC 14 & [2013] UKSC 54.

Name: Judge Tagliavini

Date: 30 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 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).

