



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

Case reference : **LON/00AW/LDC/2024/0139**
P:Paperremote

Property : **Shrewsbury House 42 Cheyne Walk
London SW3 5LN**

Applicant : **SH42CW 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 : **18 October 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 58 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 one of the pumps which provides heating and hot water to the development.
- (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 21 May 2024.
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 one of the pumps providing heating and hot water to the development and any associated works.
3. Directions were issued on 6 August 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 30 August 2024.
 - (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.
 - (iv) The applicant had until 6 September to respond to any objections raised by any leaseholder.
4. The Applicant confirmed that copies of the application were sent to all the leaseholders by 16 August 2024 and that it was displayed in the common parts.
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. Shrewsbury House comprises four blocks of fifty two flats, parts of the development date back to 1519. There were a number of vulnerable residents residing in the development.
8. There were two pumps providing heating and hot water to the development. It became apparent during a routine inspection that one of the pumps had failed. Consequently two quotations were obtained for its replacement. One from Price Building Services Limited who maintain the system and had reported the fault and a second from Cleanheat. The quotations were similar being in the sums of £13,753 + VAT and £13,244.33 +VAT respectively. The Directors of the applicant company agreed to award the contract to Price Building Services Limited since the company was familiar with the system.

The Decision

9. 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.
10. 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.
11. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 18 October 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.