



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

Case reference : **LON/00AG/LDC/2024/0608**
P:Paperremote

Property : **Prince Albert Court 33 Prince
Albert Road London NW1 7ST**

Applicant : **Prince Albert Court Limited**

Representative : **Randall and Rittner 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** : **7 January 2025**
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, 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 approximately 25 metres of gas pipe.
- (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 30 September 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 25 metres of gas pipe serving the boilers which provide heating and hot water to the building.
3. Directions were issued on 4 December 2024 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.
 - (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.
4. One leaseholder objected to the application for dispensation in advance of the application being made and six others wrote in support.
5. 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

6. Prince Albert Court comprises 82 flats. The boilers in the subject block serve eighteen flats.
7. The gas main serving the boilers was found to be leaking in August 2024 during a routine inspection. Some of the joints had failed. The managing agents were advised that replacement with a like for like jointed pipe with gaskets would not meet current regulations. The pipe was to be replaced with a stainless steel pressed fit system.
8. The managing agents advised the leaseholders that the gas boilers could not be used and that a back up immersion heating system would be used to provide the hot water in the interim. However, the immersion heaters were not reliable and had to be repaired.
9. A Notice of Intention was served on the leaseholders, the managing agents obtained three quotations and a leaseholder obtained another two quotations.
10. The most competitive quotation was from Cool Air Engineering Service and Maintenance Ltd in the sum of £14,326.75 including VAT. An additional sum of £2,654.40 was paid to expedite the work.
11. At the date of the application the work had not been completed. However, it was completed by 22 October 2024.

Decision

12. 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.
13. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed urgently, the lowest priced quotation had been accepted and that no prejudice to the lessees been demonstrated or asserted.
14. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 7 December 2025

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.