



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

Case Reference : LON/00AW/LDC/2015/0131

Property : Daver Court, Chelsea Manor Street,
London SW3 3TS.

Applicant : Daver Court RTM Company
Limited

Representative : Quadrant Property Management

Respondent : The Long Leaseholders

Representative : In person

Type of Application : For dispensation from the
consultation requirements under
S.20 Landlord & Tenant Act 1985.

Tribunal Members : Ms. A. Hamilton-Farey

Date of Decision : 23 December 2015

DECISION

Decisions of the Tribunal

1. The tribunal exercises its discretion, and grants dispensation from the requirements to consult under S.20 of the Landlord & Tenant Act 1985.

Background

1. This is an application under section 20ZA of the Landlord & Tenant Act 1985 (the Act) on behalf of the Landlord Company for dispensation from the requirements to consult under S.20 of the Act and in relation to the replacement of central heating and hot water boilers serving the premises.
2. The applicants say that new boilers had been incorrectly installed in 2011, with the result that any guarantee had been invalidated. The manufacturer of the boilers has said that they are irreparable and should be replaced with similar models so as to utilise some of the installation and save costs.
3. The works were commission on 16 November 2015 and completed by the 19th, with a visit from the building insurers' loss adjuster prior to that on 28 October 2015. It is not yet known whether or not any insurance claim would be successful.
4. Directions were issued by the tribunal on 12 November that required any leaseholder who opposed the application to provide a statement of case to the applicants. It is understood that no such statements were received by the applicants, and the tribunal has not received any statements in opposition.
5. As Directed, the tribunal is entitled to find that leaseholders were in support of the application for dispensation where they did not make a statement in opposition.
6. In the circumstances, the tribunal is satisfied that the leaseholders support the application, that the works were required urgently so as to provide heating and hot water to residents during the Winter months, and therefore that it would be reasonable to dispense with the requirements to consult under S.20, as it was not possible for the landlord to comply with those requirements in these circumstances.

Tribunal: Aileen Hamilton-Farey

Date: 23 December 2015.