



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

**Case Reference** : **LON/00BK/LDC/2015/0052**

**Property** : **1 Stanhope Place, London, W2 2HB**

**Applicant** : **The Church Commissioners for  
England**

**Representative** : **Knight Frank LLP**

**Respondents** : **(See Schedule attached to these  
Reasons)**

**Representative** :

**Type of Application** : **To dispense with the statutory  
consultation requirements**

**Tribunal Members** : **Mrs H Bowers, MRICS**

**Date and venue of  
Hearing** : **28<sup>th</sup> May 2015, 10 Alfred Place,  
London WC1E 7LR**

**Date of Decision** : **28<sup>th</sup> May 2015**

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**DECISION**

The Tribunal grants the application for dispensation from further statutory consultation in respect of the subject works.

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## REASONS

### The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the Act") dispensing with statutory consultation in respect of major works.
2. 1, Stanhope Place, London, W2 2HB (the subject property) is described as a converted multi-tenanted house with 5 flats and one basement unit with a private entrance.
3. The application was dated 21<sup>st</sup> April 2015. Directions were issued by the Tribunal on 23<sup>rd</sup> April 2015 listing the matter for a paper determination for the seven days commencing 25<sup>th</sup> May 2015.
4. The application seeks dispensation in respect of works to repair leaking pipe work at the subject property. The work involved cutting the water supply, accessing the pipe work through the wall, removing faulty pipe work and joints, then testing and making good (the subject works).
5. A single bundle was prepared and provided on behalf of the Applicant. There were no separate submissions from any of the Respondents.

### Applicant's Case:

6. The Applicant describes the building as having six flats, but with the basement flat making no contribution to the service charges. It was explained that there was water ingress in the communal stairwell between the third and fourth floors and that the water was causing damage to the wall.
7. Two quotations were received for the work. The first quotation was from Masterfix. This quotation was dated 11<sup>th</sup> September 2013 and was for a sum of £3,452.01, excluding VAT. The second quotation was from C C Cousins and is dated 15<sup>th</sup> December 2014 for a sum of £2,120, excluding VAT. The Applicant had instructed C C Cousins on 15<sup>th</sup> January 2015 to carry out the work as the most competitive quotation.
8. It was explained that as water was ingressing into the property, it was causing damage to the walls and action was needed to prevent any significant damage to the property. As the work was urgent, no consultation documentation had been issued to the leaseholders. However, the application form explained that there had been discussions with some of the leaseholders. It was necessary to apply for dispensation as a full section 20 consultation process would have resulted in a delay to the repairs.

### Respondents' Case:

9. None of the Respondents provided any evidence or submissions in response to the current application.

**Determination**

10. Section 20ZA(1) of the Act provides:

*“Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”*

11. The Tribunal has taken into account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

12. There has been no engagement from any Respondents that suggests that the work is not necessary and/or ought to have been the subject of full statutory consultation.

13. There is sufficient evidence before the Tribunal of the necessity to carry out the work urgently, and that it was prudent to contract the works without a full consultation process. The Tribunal is satisfied that delaying the works for such consultation would have been undesirable. No evidence has been put forward of prejudice to the tenants or other grounds on which the Tribunal ought to consider refusing the application or granting it on terms.

14. In all the circumstances the Tribunal grants the application for dispensation from statutory consultation in respect of the works, considering it reasonable to do so. For clarity the works are to cut the water supply, access the pipe work through the wall, remove faulty pipe work and joints, then to test and make good.

15. This decision does not affect the Tribunal’s jurisdiction upon any application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.



**Name:** H C Bowers

**Date:** 28<sup>th</sup> May 2015

## **SCHEDULE**

Mr M Enright (4<sup>th</sup> Floor Flat)

Mr T Jobling & Mr R M Moyse (Grd Floor Flat)

Mr D Brown (3<sup>rd</sup> Floor Flat)

Mr D B Keith (2<sup>nd</sup> Floor Flat)

Mr D E Olsson (1<sup>st</sup> Floor Flat)