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

Case reference : **LON/00AU/LDC/2017/0063**

Property : **28 Lofting Road, Islington, London
N1 1ET**

Applicant : **Covent Garden Ltd**

Representative : **Chamonix Estates Ltd**

Respondents : **Various**

Representative :

Type of application : **For the dispensation of the
consultation requirements**

Tribunal member(s) : **Judge S Brilliant
Mr R Shaw FRICS**

**Date and venue of
hearing** : **01 August 2017 at 10 Alfred Place,
London WC1E 7LR**

Date of decision : **01 August 2017**

DECISION

Decisions of the tribunal

The tribunal determines that the applicant has permission to dispense with the consultation requirements in respect of the ground excavation and pipe work repair carried out in October 2016 at 28 Lofting Road, Islington, London N1 1ET (“the premises”).

The application

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 to dispense with the consultation requirements in respect of the ground excavation and pipe work repair carried out in October 2016 at the premises.

Background

2. The premises consist of a purpose built development of six flats.
3. In August 2016, the applicants’ agents were contacted as sewage had backed up in flat 1. Initially, investigative work suggested that only flat 1 was affected. It was then reported that the communal soil stack was damaged, even though only flat 1 was affected.
4. CCTV investigation showed that there was either a blocked or collapsed soil stack.
5. The smell within flat 1 became worse and the tenants contacted the local authority.
6. On 4 October 2016, Islington served on the applicant a notice under section 59 of the Building Act 1984 requiring the blockage to the drain to be cleared, any defects to be remedied and for reinstatement of any land disturbed.
7. The notice required the work to be executed within 10 days or an offence would be committed.

The work

8. Contractors removed the kitchen in flat 1 in order to excavate beneath the floor.
9. Once the excavation had been made, a large void was exposed which was full of waste from the flats above. The waste was pumped out using a vacuum tanker.

10. It was discovered that the waste down pipe was partially missing and broken, causing waste to build up under the kitchen floor as there was no outlet to the main sewer.
11. A new pipe was laid and connections made to the existing broken waste down pipe. This was laid with shingle and backfilled. The reinstatement was carried out with reinforced concrete.

Decision

12. The works carried out were qualifying works. In view of the urgent need to carry out the work in light of the potential harm to public health, marked by the statutory notice, we consider it appropriate to dispense with the consultation requirements in this case.
13. Our decision does not relate to the quality of the work carried out or the reasonableness of the cost.

Name: Simon Brilliant

Date: 01 August 2017

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).