



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

**Case reference** : LON/00AG/LDC/2018/0065

**Property** : Flats 1-20, New College Court,  
Finchley road London NW3 5EX

**Applicant** : New College Court Limited

**Representative** : Abbeystone Management Limited

**Respondent** : The leaseholders at the property as  
listed in the schedule to the  
application form

**Type of application** : To dispense with the requirement  
to consult leaseholders about  
major works

**Tribunal members** : Angus Andrew  
Luis Jarero BSc, FRICS

**Venue at which  
determination made** : 10 Alfred Place, London WC1E 7LR

**Date of decision** : 16 May 2018

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**DECISION**

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## **Decisions**

- (1) For each of the following reasons we dispense with the consultation requirements provided by Section 20 of the Landlord and Tenant Act 1985, in so far as they relate to the replacement of the communal boiler; and
- (2) The applicant shall serve a copy of this decision, together with the tribunal's letter and guidance on appeal, on each of the leaseholders within 10 working days of receipt and the applicant shall confirm back to the tribunal when it has done so.

## **Reasons**

1. The exiting boiler is cracked and beyond economic repair.
2. The residents have been without hot water and heat since 1 April 2018.
3. Some of the residents are elderly and one is seriously ill and receiving palliative care.
4. The applicant has given the respondents notice of its intention to carry out the work and no objections were received.
5. The applicant sent a copy of the tribunal's directions of 13 April 2018 to each respondent and placed a copy in the common parts of the property. The directions requested those respondents who oppose the application to complete a reply form and send it to the tribunal. No completed reply forms have been received by the tribunal.
6. The freehold interest was transferred to the applicant following a collective enfranchisement claim so that the property is effectively under the control of at least half the lessees.
7. Under the terms of the respondents' leases the applicant as lessor is responsible supplying *"hot water by means of the boilers and heating installations serving the Buildings to the flats for domestic purposes"*.

**Name:** Angus Andrew

**Date:** 16 May 2018