



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

Case reference : **LON/00AG/LDC/2018/0136**

Property : **Bloomsbury Mansions 13-16
Russell Square London WC1B 5ER**

Applicant : **Bloomsbury Mansions Limited**

Representative : **Rendell and Rittner Ltd**

Respondent leaseholders : **Various leaseholders as per the application**

Representative : **-**

Type of application : **To dispense with the consultation requirements under S.20 Landlord and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint DMS FRICS
Mr D Jagger MRICS**

Date and venue of determination : **9 October 2018
10 Alfred Place London WC1E 7LR**

DECISION

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 two sewage pumps and associated works.
- (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 agents on behalf of the applicants on 8 August 2018.
2. The application concerns the replacement of the sewage pumps which have failed.
3. Directions were issued on 13 August 2018 requiring the applicant to send to each of the leaseholders a copy of the application form and a copy of the tribunal's directions and also arrange for a copy of each to be displayed in a prominent position in the common parts of the property.
4. The leaseholders were asked to confirm by 28 August whether or not they would give their consent to the application. 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
5. By 4 September the applicant was required to provide a bundle setting out the full grounds for the application, including all of the documents on which the applicant relies and copies of any replies from the tenants.
6. No responses were received from the leaseholders.

The Evidence

7. The property is a purpose built block of 59 residential flats.
8. The maintenance company attended the building on 6 August to clean the sewage pumps chamber and discovered that the sewage pumps had

failed. The company had to use a super tanker with an additional support vehicle to prevent the build up of sewage in the chamber. A temporary pump was installed on 8 August to prevent the chamber flooding whilst the replacement pumps were manufactured. As the cold water booster system is located within the same area as the sewage pump chamber it is necessary to replace the sewage pumps as soon as possible to prevent contamination.

9. A Notice of Intention in respect of these works was served and two quotes were obtained, in the sums of £11,650 + VAT and £9640 +VAT. The applicant confirmed that the work would proceed using the cheaper quote.

The Decision

10. 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.
11. The Tribunal determines from the evidence before it that the works are necessary, require to be completed as soon as practicable and that no prejudice to the lessees has been demonstrated or asserted.
12. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 9 October 2018

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. 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.
4. 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.