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

Case Reference : **LON/00AW/LDC/2017/0146**

Property : **1-21 Hudson House & A-E College
Place, Hudson Place, London SW10
0QR**

Applicant : **Hudson Place Management Ltd**

Representative : **Principia Estates & Asset
Management**

Respondents : **The Lessees listed in the schedule
attached to the application**

Representative : **-**

Type of Application : **To dispense with the requirement to
consult lessees about major works –
S20ZA Landlord and Tenant Act 1985**

Tribunal Members : **P M J Casey MRICS**

**Date and venue of
Hearing** : **21 February 2018
10 Alfred Place, London WC1E 7LR**

Date of Decision : **1 March 2018**

DECISION

Decision of the tribunal

- (1) The tribunal determines that it is satisfied that it is reasonable to dispense with all of the consultation requirements of Section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 (the Regulations) in respect of the replacement of the three water pumps, and associated works at 1-21 Hudson House & A-E College Place, Hudson Place, London SW10 0QR (the property).

The application

1. The applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 ("the Act") that the consultation requirements of the Act may be dispensed with in respect of certain works at the property.
2. The tribunal issued Directions for the case management of the application on 20 December 2017 and allocated it to the standard track with a paper hearing set down for the week commencing 19 February 2018.
3. The application is not opposed by any of the residential long leaseholders of the flats at the building. The works which form the subject matter of the application have been completed.
4. The applicant has provided the Tribunal with a bundle of documents as required by the Directions and these were read and considered on 21 February 2018.

The evidence

5. In the application, received on 18 December 2017, the property is described as comprising 21 flats in two purpose built blocks.
6. From the application form and other documents included in the hearing bundle it is apparent that the flats at the property receive the cold water supply through a storage tank and a system of distribution pipes that requires pumps to operate. The system has three such pumps, two of which had failed. The directors of Hudson Place Management Ltd resolved to replace the pumps and as the work to do this would constitute major works under S20 of the Act and Regulations they commenced the required consultation process through the managing agents, Principia Estates and Asset Management. Notice of Intention to carry out works letters were sent to all leaseholders on 1 November 2017 with the proposed works described as being "Replacement of water pump system including replacement bearings, circuit board, brushes and sills." The reason

given for the proposed works was that the current system had failed repeatedly over the previous twelve months with one fully working pump out of three and costs for repairs were becoming uneconomical. Observations were invited as well as nomination of suitable contractors all by 4 December 2017.

7. The hope that the one remaining pump would suffice to see the consultation period through proved ill founded. On 15 November 2017 it stopped working. Apparently the load placed on it caused it to overheat and shut down though once it had cooled off it could be restarted. Residents expressed their concerns that if the problem continued over the Christmas period they may have to relocate. The pump failed again on 21 November and would not restart. The applicant had considered a temporary repair to one of the pumps but were advised this would cost in the order of £2,000 plus VAT as against the estimate given by County Plumbing and Central Heating Ltd on 6 November 2017 to replace all three pumps in the sum of £8,060 plus VAT.
8. Temporary supplies of bottled water were provided for residents and arrangements made for them to use the showers at a nearby gym but the applicant says because of the continuing worry about a total breakdown especially over the Christmas period led them to decide to proceed with the planned replacement of all three pumps, which had been obtained by County Plumbing, without further delay and to apply to the tribunal for dispensation from the full consultation process required by S20. Residents and long leaseholders were advised accordingly.
9. The works were undertaken on 1 December 2017 and an invoice for £8,060 plus VAT was duly sent to the applicant on 11 January 2018.

The decision

10. Clearly any delay to allow the completion of the consultation process risked a complete breakdown of the system over the Christmas period. A temporary repair of one of the existing pumps prior to its replacement would have been a waste of money. In these circumstances the Tribunal is satisfied that it is reasonable to grant the dispensation sought from all of the consultation requirements of S20 of the Act and the Regulations that had not been complied with. Had further consultation taken place the works would in any event have taken place and it is difficult to see how any of the leaseholders have suffered any prejudice; none has been claimed. This decision is only concerned with dispensation and does not affect the leaseholders' rights to challenge liability to pay a contribution to the cost of the works through the service charge provisions of their leases.

Name: P M J Casey

Date: 1 March 2018

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).