



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

Case reference : **LON/00BG/LDC/2019/0172**

Property : **Caspian Wharf, Sevenssea Gardens,
London E3**

Applicant : **Berkeley Seventy Six Limited and
Berkeley Seventy Seven Limited**

Representative : **Rendall & Rittner managing agent**

Respondent : **The leaseholders at Caspian Wharf**

Representative :

Type of application : **To dispense with the requirement
to consult lessees about major
works/ a long-term agreement**

Tribunal member(s) : **Tribunal Judge Dutton
Mr L. Jararo FRICS**

**Date and venue of
decision** : **10 Alfred Place, London WC1E 7LR**

Date of decision : **4th December 2019**

DECISION

Decisions of the tribunal

The tribunal determines that it will grant dispensation from the consultation requirements under s20 of the Landlord and Tenant Act 1985 (the Act), pursuant to s20ZA for the reasons set out below

The application

1. The applicant seeks a determination pursuant to s20ZA of the Act for dispensation of the consultation requirements under s20 of the Act having made the application through Rendall and Rittner its property managers on 25th September 2019.
2. The application indicated that dispensation was sought in respect a malfunctioning gas safety valve which resulted in the hot water supply to the residents being stopped. It was considered that this was a priority as the safety valve to the main plant room was intended to shut off in the event of a fire.
3. On 26th September 2019 the agent wrote to leaseholders advising them that this application would be made with reasons why. It also confirmed that there was sufficient funding held in reserve to cover the costs, estimated initially to be circa £7,000 plus VAT
4. Directions were issued on 9th October 2019, subsequently amended, and on 24th October 2019 the agent wrote again to all leaseholders informing them that the application and our directions were displayed in the ground floor reception and displayed on the Caspian website to which we understand all leaseholders have access. It appears that hard copies of the application and directions were hand delivered to all resident leaseholders.
5. It was ordered that this matter could be considered as a paper determination in the week commencing 2nd December 2019.

Findings

6. In accordance with that direction the matter was considered by us on 4th December 2019. We had before us a bundle of papers prepared by Rendall and Rittner. This contained a copy of the application, the letters dated 26th September and 24th October 2019. In addition, we were supplied with a copy of a quote from Cleanheat in the sum of £6,956.47 plus VAT for the removal of the faulty valve, the replacement with a new solenoid gas valve and the reinstatement of the gas supply and testing.

7. We have considered the papers and note that no leaseholder has raised an objection to the application. We are satisfied that the replacement of the gas safety valve was an urgent piece of work and that it was appropriate to request dispensation in this case.
8. In the absence of any objection we are not aware of any prejudice that might be occasioned to a leaseholder, the more so as the works can be paid from the reserve fund.
9. Accordingly, we are in this case prepared to grant dispensation from the consultation requirements under s20 of the Act. We should however, make it clear that the only issue for us to consider was whether it was reasonable to dispense. The decision does not impact on whether the issue of any costs arising are reasonable or payable.
10. The applicant shall be responsible for serving a copy of this decision on all leaseholders. Furthermore, the applicant shall place a copy of the decision on dispensation together with an explanation of the leaseholders appeal rights on its website within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link to both on its home page. In this way, leaseholders who have not returned the reply form may view the tribunal's eventual decision on dispensation and their appeal rights on the applicant's website.

Name: Tribunal Judge Dutton **Date:** 4th December 2019

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).