



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

**Case reference** : **LON/00AX/LDC/2020/0200**

**HMCTS code  
(Paper)** : **P:PAPERREMOTE**

**Property** : **27 Beaufort Road, Kingston Upon  
Thames, Surrey, KT1 2TH**

**Applicant** : **Together Property Management  
Limited**

**Respondents** : **Seven lessees as per schedule to the  
application**

**Type of application** : **Dispensation – section 20ZA Landlord  
and Tenant Act 1985**

**Tribunal member** : **Judge Tagliavini**

**Venue & date  
of hearing** : **10 Alfred Place, London WC1E 7LR  
P: PAPERREMOTE  
16 February 2021**

**Date of decision** : **16 February 2021**

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**DECISION**

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## **Covid-19 pandemic: description of hearing**

This has been a remote video hearing which has been consented to by the parties. The form of remote hearing: **P: PAPERREMOTE**. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote/paper hearing. The tribunal was referred to the applicant's bundle of documents pages 1 to 94. The order made is described at the end of these reasons.

## **Summary of decisions of the first-tier residential property tribunal**

- (1) Dispensation from consultation is granted by the tribunal to the applicant in respect of the works carried out to the boiler in February 2020 in the sum of £1,239.60 (inclusive of VAT) pursuant to section 20ZA of the Landlord and Tenant Act 1985.**

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### **The application**

1. This is an application pursuant to section 20ZA of the Landlord and Tenant Act 1985 seeking retrospective dispensation from the consultation requirements for works carried out to the communal hot water and heating boiler in February 2020 in the sum of £1,239.60 (including VAT).
2. The subject property is a semi-detached house converted into 7 self-contained flats. A communal heating and hot water boiler is situated in the communal hallway. In February 2020 the boiler malfunctioned and required repair which was carried out and completed within a short time frame due to the urgent nature of the work and the lack of hot water and heating to the flats.

### **The applicant's case**

3. The applicant relied on its application and a Statement of Case in support of the application together with an invoice dated 17/2/20 from KM (Refrigeration Electrical)Service Limited for boiler repairs carried out in the sum of £1,239.60 (including VAT).
4. In an email dated 11 December 2020, Mr Nick Hristov of Together Management provided the tribunal with confirmation that the applicant had complied with the directions dated 24 November 2020 and that a copy of the application and a copy of the directions had been sent by email to all lessees. Further, a copy of both documents being placed in the communal hallway of the subject premises on 2 December 2020.

### **The respondent's case**

5. No objections to the application were received from any of the lessees.

### **The tribunal's findings and decision**

6. The tribunal finds that the works to the boiler were both necessary and urgent. Further, in the absence of any objections by the lessees the tribunal finds that no prejudice has been shown to have been caused to the tenants by the absence of consultation with them about the works, Therefore, the tribunal grants the dispensation sought by the applicant under section 20ZA of the Landlord and Tenant Act 1985.

**Name: Lorna Tagliavini**

**Date: 16 February 2021**

### **Rights of appeal from the decision of the tribunal**

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).

