



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

Case reference : **LON/00AY/LDC/2022/0215**

**HMCTS code
(paper, video,
audio)** : **P: PAPERREMOTE**

Property : **99A-E Vassall Road, London SW9 6NH**

Applicant : **The Major and Burgesses of the London
Borough of Lambeth**

Representative : **N/A**

Respondents : **The leaseholders listed in the
application**

Representative : **N/A**

Type of application : **Section 20ZA Landlord and Tenant Act
1985 – dispensation from consultation**

**Tribunal
member(s)** : **Judge Tagliavini
Ms F Macleod**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **31 January 2023**

DECISION

The tribunal's summary decision

- (1) The tribunal determines it is reasonable and appropriate to grant the applicant, dispensation from consultation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of works to replace the hot water tank serving the property at 99A-E Vassall Road, London SW9 6NH ('the Property').
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The application

1. This is an application made pursuant to section 20ZA of the Landlord and Tenant Act 1985 seeking dispensation from the consultation provisions in respect of works to replace the hot water tank serving the Property as it had broken down and left one of the residents without hot water. The Property comprises a low-rise block of five flats of which two are long leaseholds.
2. In a statement dated 28/10/2022 supporting the application the applicant stated on 10 October 2022, the applicant was notified that the Old Elson Hot water tank at the Property had split and was no longer functioning. An investigation revealed the tank could not be repaired and required replacement.
3. Subsequently, works were carried out by the applicant's contractor T Brown Group in the sum of £4,370.21 under a long-term qualifying agreement.
4. The applicant confirmed to the tribunal the lessees had been notified of the application and provided with an opportunity to make any objections to it. No responses were received by any of the lessees or any representative either consenting or objecting to the application.

The tribunal's decision

4. In the absence of any objection to the application or any evidence of prejudice caused to the lessees if the application was granted, the tribunal determines that, having regard to the urgent nature of the works it is reasonable to dispense with the consultation requirements of s.20 of the Landlord and Tenant Act 1985 in respect of the works to replace the hot water tank at the subject Property.

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).