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

Case reference : **LON/00AG/LDC/2017/0138**

Property : **Cranfield House 97-107
Southampton Row London WC1B
4HH**

Applicant : **Cranfield House RTM Limited**

Representative : **Rendall and Rittner**

**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**

**Date and venue of
determination** : **22 December 2017
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 of the three boilers serving the property.

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 16 November 2017.
2. The application concerned the replacement of two of the three communal boilers which provide heating and hot water to the flats.
3. Directions were issued on 6 December 2017 requiring the applicant to prepare bundles by 19 December to include statements
 - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
 - (ii) The Leaseholders were asked to confirm by 15 December 2017 whether or not they would give their consent to the application.
 - (iii) 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.
4. No responses were received from the leaseholders.
5. The lessees were informed in the Directions issued by the Tribunal that 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 Evidence

6. The managing agents obtained a report in May 2017 stating that the duty pump would not run when the heating was switched on last winter, the standby pump was also seized. The heating engineer had freed up the mechanism allowing the system to run over the winter using the standby pump. The costs of repairs were provided however it

was noted that the mixing valve is no longer manufactured. Modern boilers would be more efficient.

7. A Notice of Intention in relation to the repair/replacement of the boilers was served on the lessees on 29 September. The managing agents have obtained two quotes and have undertaken to accept the lower quote which from the papers submitted is £19,986 from Cleanheat.
8. No objections were received from any lessee.

The Decision

9. 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.
10. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed as soon as possible owing to the likelihood of colder weather coupled with the holiday season and that no prejudice to the lessees has been demonstrated or asserted.
11. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 22 December 2017