



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

Case reference : **LON/00BK.LDC/2019/0123**

Property : **Melcombe Regis Court, 59
Weymouth Street, London W1G
8NS.**

Applicant : **Melcombe Regis Court Freehold
Company.**

Representative : **Sandrove Brahams**

Respondent : **Various Leaseholders as per the
application.**

Representative : **In person**

Type of application : **Application under S.20ZA Landlord
& Tenant Act 1985 for dispensation
from the requirements to consult in
relation to Qualifying Works.**

Tribunal member(s) : **Ms. A. Hamilton-Farey
Ms. S. Coughlin**

**Date and venue of
determination** : **16 September 2019 at 10 Alfred
Place, London WC1E 7LR**

Date of decision : **16 September 2019**

DECISION

Decisions of the tribunal

- (1) The tribunal determines that it will exercise its discretion and grant dispensation from the requirements to consult leaseholders in relation to the installation of a temporary boiler and the installation of a permanent boiler in the premises as detailed in the application.

The application

1. The applicant seeks a determination pursuant to s.20ZA of the Landlord & Tenant Act 1985.
2. The application which is dated 24 July 2019 relates to the installation of a temporary boiler, whilst a new boiler is installed in the premises. The applicants seek dispensation from the requirements to consult in relation to both the temporary boiler installation and the installation of the new boiler. The applicants say that they wish to minimise the rental costs of the temporary boiler whilst a new permanent system is installed. A Notice of Estimates under the Consultation Regulations was served on the respondents on 24 July 2019, identifying the works to be undertaken, and providing details of the five estimates obtained.
3. On 15 August 2019, the tribunal issued directions, which required amongst other things for any respondent leaseholder who opposed the application to indicate their opposition on a reply-slip and provide a statement setting out the grounds of opposition.
4. The directions also required the applicant to provide a bundle of documents, including any statements from respondents. A bundle has been supplied to the tribunal and it appears from those documents that there has been no opposition to the application.
5. The tribunal has considered the papers provided and determines that it should exercise its discretion and grant dispensation from any further requirements to consult leaseholders in relation to these works.
6. The parties should be aware however, that the grant of dispensation does not mean that the tribunal is satisfied the works, when complete will be reasonable or the costs of carrying out those works would be either reasonable or payable by the respondents. The respondents' rights under S.27A of the Landlord & Tenant Act 1985 to challenge the cost and/or payability of the costs for the works are preserved.

Tribunal: Aileen Hamilton-Farey

Date: 16 September 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).