



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

Case reference : **LON/00AB/LDC/2020/0070**

**HMCTS code
(paper, video,
audio)** : **P: PAPER REMOTE**

Property : **Various properties in Borough**

Applicant : **London Borough of Barking &
Dagenham**

Representative : **Judge & Priestly LLP**

Respondent : **Long residential leaseholders of the
London Borough of Barking and
Dagenham subject to communal
electricity and gas supplies**

Representative : **N/A**

Type of application : **For the determination of dispensation
pursuant to S20ZA of the Landlord and
Tenant Act 1985.**

Tribunal members : **Judge Tagliavini**

Venue : **PAPER REMOTE**

Date of decision : **2 September 2020**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote determination on the papers which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE, A face-to-face hearing was not held because it was not practicable and all issues could be determined on paper. The documents that the tribunal was referred to are in a bundle of 94 pages, the contents of which have been noted. The order made is described at the end of these reasons.

Decisions of the tribunal

- (1) **The tribunal grants the applicant unconditional dispensation from the requirements of Schedule 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003 for the for the purpose of entering into a qualifying long term agreement with LASER (operated by Kent County Council) effective from the 1 October, for the purpose of supplying communal electricity and gas to the residential long leaseholders in the applicant's borough.**

The application

1. This is an application for dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985. The application is made in relation to a qualifying long term agreement ("the Agreement") that the applicant intends to enter into with Laser ("LASER"), being the name of the framework operated by Kent County Council ("the contracting party") under the terms of the Agreement for the supply of communal electricity and gas to the borough wide residential long leasehold properties as set out in Appendix I and II of the bundle.
2. The applicant seeks specifically to be granted unconditional dispensation from the requirements of Schedule 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003 which applies section 20 of the 1985 Act to this proposed Agreement.
2. In support of the application, the tribunal was provided with a Statement of Case dated 3 June 2020 setting out the benefits and value of the framework to the residential long leaseholders. The applicant stated that its current contract with LASER is due to expire on 30 September 2020 and that the applicant has already agreed to enter into a new contract with effect from 1 October 2020, for a 2 year term with an option of 2 additional years. The applicant stated that it would not be practical for leaseholders to be consulted as it would render "the whole energy supply contract process unworkable."

3. The applicant stated that it had carried out measures to ensure that the best value for the supply of gas and electricity was being obtained for the benefit of the long leaseholders by entering into the Agreement.
4. The applicant provided evidence that the long leaseholders had been made aware of this application and provided with an opportunity to indicate to the tribunal any objection to the grant of dispensation. The tribunal were informed that the applicant had received no objections from the long leaseholders.
5. The tribunal also confirmed that no objections or any communications had been received from the long leaseholders to this application for dispensation.

The tribunal's decision and reasons

6. In the absence of any objections from the long leaseholders in the borough as identified in Appendix I and II to this application, the tribunal accepts the applicant's reasons for seeking dispensation.
7. Therefore, the tribunal grants the applicant unconditional dispensation from the requirements of Schedule 2 of the Service Charges (Consultation Requirements) (England) Regulations 2003, for the purpose of entering into a qualifying long term agreement with LASER (operated by Kent County Council) effective from the 1 October concerning the supplying of communal electricity and gas to the long leaseholders in the applicant's borough.

Name: Judge Tagliavini

Date: 2 September 2020

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).