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

Case Reference : **LON/00AG/LDC/2016/0086**

Property : **Northways Flats, College Crescent,
London NW3 5DR**

Applicant : **Northways Flats Management Co**

Representative : **James Andrew Residential Limited**

Respondents : **Various leaseholders as set out in
the application**

Representative : **None**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Mrs O'Sullivan
Mr K Cartwright FRICS**

Date of Decision : **28 September 2016**

DECISION

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements. The property concerned is described in the application as a block of 93 residential apartments spread over three floors on a 1930s purpose built building known as Northways Flats, College Crescent, London NW3 5DR (the “Property”) and the application is made against the various leaseholders in the schedule attached to the application form (the “Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The Applicant seeks dispensation in respect of qualifying works to the communal hot water and heating system serving all of the flats which was due to be switched on as at 1 October 2016.

The background

4. The application was received on 30 August 2016. Directions were made dated 1 September 2016 which provided for the Applicant to serve a copy of the directions on all Respondents and for them to then indicate whether they consented to the application or not and wished to have a hearing. The Applicant confirmed by email dated 9 September 2016 that it had served all the leaseholders in accordance with the directions.
5. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 28 September 2016.
6. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
7. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

8. The Applicant relied on the papers filed with the application.
9. The water tanks in the three blocks have been found to be in very poor condition and for health and safety reasons these need to be replaced. The landlord has obtained three estimates in the sum of £26,123 plus Vat, £86,217.10 plus Vat and £25,686.

10. The landlord says that it has sufficient funds in the reserve fund so there will be no demand in respect of the works. The tribunal has also been provided with a copy of the Notice of Intention dated 26 August 2016 served in relation to the works. The consultation period ends on 30 September 2016.

The Respondents' position

11. The directions provided for any Respondent who wished to oppose the application for dispensation to serve a statement of case. None of the leaseholders served any statements of case and thus the tribunal concluded that the application was unopposed.

The Tribunal's decision

12. The Tribunal determines that an order from dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the additional works outlined above.

Reasons for the Tribunal's decision

13. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
14. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and that it is appropriate to grant an order for dispensation in these circumstances.
15. The tribunal hereby orders that the Applicant shall serve a copy of this decision on each leaseholder.

Application under s.20C

16. There was no application for any order under section 20C before the tribunal.

Name: S O'Sullivan

Date: 28 September 2016