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

Case reference : **LON/00AA/LDC/2018/0018**

Property : **4 – 7 Lombard lane London EC4Y 8AD**

Applicant : **Henley Homes plc**

Representative : **Warwick Estates**

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
Mrs R Turner JP**

Date and venue of determination : **26 February 2018
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 pump hydrovas.

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 12 January 2018.
2. The application concerned the replacement of two hydrovas which form an integral part of the cold water system serving the ten flats within the development.
3. Directions were issued on 25 January 2018 requiring the applicant to prepare bundles by 16 February 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 9 February 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. The only response received was from the lessee of Flat 2.
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. On 9 January Warwick Estates, the managing agents for the development, were advised by one of the residents of the block that the booster pump alarm was sounding. Warwick Estates arranged for All Type Pumps to investigate and report back. The report stated that both pump hydrovas had failed and required urgent replacement to avoid pump failure which would result in the block being without cold water. The estimated cost of the work was £3,083 plus VAT.

7. On 12 January the application for dispensation was sent to the tribunal, a section 20 Notice of Intention was issued to all leaseholders and an explanatory email was also sent to the leaseholders explaining the problem and setting out the action taken.
8. A second estimate for the work was received on 16 January from Waterforce UK Limited in the sum of £5,994.
9. On 16 January the lessee of Flat 2 proposed that estimates be obtained from two different contractors. On 19 January the managing agent advised that owing to the urgent nature of the work, All Type Pumps had been instructed to carry out the work as their quote was the lower of the two which had been obtained.
10. No other leaseholder commented on the application.

The Decision

11. 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.
12. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed urgently and that no prejudice to the lessees has been demonstrated or asserted.
13. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 26 February 2018