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Residential
Property
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
DETERMINATION BY LEASEHOLD VALUATION TRIBUNAL
for the
LONDON RENT ASSESSMENT PANEL**

RE APPLICATION UNDER LANDLORD AND TENANT ACT 1985
(Section 20ZA) as amended by C&LRA 2002

Ref :LON/00AL/LDC/2006/0028

Property: Conduit House, Hyde Vale, Greenwich,
London SE10 8HW

Applicant: Daejan Properties Limited [Landlord]

Represented by: Vertex Law LLP Solicitors

Respondents: Leaseholders/Tenants of 18 Flats Listed in Schedule
Conduit House Residents' Association

Meeting: 17 May 2006

Tribunal: Professor J T Farrand QC LLD FCI Arb Solicitor
Mr C Kane FRICS

1. The Tribunal received an Application dated 27 April 2006 on behalf of the Landlord, seeking dispensation from certain consultation requirements in respect of works to the lift at the Property as a matter of urgency. The urgency lay in the facts that the lift is not currently operational and that elderly leaseholders live in higher level flats.
2. In the light of the circumstances indicated in the Application, it was considered that this matter should be dealt with on the basis of written representations with shortened periods of notice. Directions were issued, dated 4 May 2006, explaining the background and implications of the Application.
3. In particular, it was directed that Respondents should write to the Tribunal by 11 May 2006 stating whether or not they opposed the Application and, if so, why. Copies were to be sent to the Applicant. No letters have been received in pursuance of this Direction. Nevertheless, the Applicant had previously notified all Respondents of the required works and of the proposed Application and had received indications of a substantial measure of consent and none of opposition. However, the Chairman of the Residents' Association, Mr S Lethem, had written on 13 April 2006 stating: "Apart from Alasdair Flint in Flat 5, every other resident from whom I have received a verbal or written comments is in agreement with your proposal to waive the normal notice period." The Tribunal has seen no representations from Mr Flint.
4. In addition, the Applicant was directed to prepare a bundle of documents including, in effect, a Witness Statement as to the facts supporting and justifying the Application. Such a Statement has been duly made by Mr Robin Gammon, area manager for the Applicant, and accepted by the Tribunal.
5. Accordingly, the Tribunal was sufficiently satisfied that it would be reasonable to dispense with the consultation requirements for the proposed lift works as sought in the Application. These were specified as follows:
 - (i) The requirement to allow the leaseholders 30 days to provide observations on the works described in the Notice of Intention and 30 days to provide their observations on the Statement of Estimates.
 - (ii) The requirement for the Applicant to serve a Statement of Estimates.
 - (iii) The requirement for the Applicant to serve a notice of contract, should the leaseholders nominate a contractor to carry out the works.

6. Therefore the Tribunal hereby determines that the specified statutory consultation requirements are dispensed with in relation to the proposed lift works.
7. All parties should appreciate that this Determination does not preclude appropriate challenges as to the actual reasonableness of incurring the costs or of the standard of any works by reference to their inclusion in future service charge accounts.

CHAIRMAN

Julian Fawcett

DATE

18 May 2006