

**LEASEHOLD VALUATION TRIBUNAL for the  
LONDON RENT ASSESSMENT PANEL**

**DETERMINATION BY LEASEHOLD VALUATION TRIBUNAL**

**LANDLORD AND TENANT ACT 1985 Section 20ZA**

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LON/00AJ/LDC/2007/0022

**Address:** 48 Western Avenue  
London W3 7TZ

**Applicant:** Mr Gary Lavis

**Respondents:** 99 Dry Cleaners Ltd  
Mr G Singh Bakshi

**Tribunal Members:** Mr NK Nicol (Chairman)  
Mr DD Banfield FRICS  
Mr B Collins FRICS

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1. The Applicant applied on 15<sup>th</sup> March 2007 for dispensation from the statutory consultation requirements in accordance with s.20ZA of the Landlord and Tenant Act 1985. On 30<sup>th</sup> March 2007 the Tribunal made directions to determine the matter by written representations only and the Tribunal has now determined the matter without a hearing on the basis set out below.
2. The Respondents are the leaseholders of the second and first floor flats respectively at 48 Western Avenue, London W3 7TZ. The Applicant is the freeholder. The leases provide for payment of service charges (clause 4(4) and the Fifth Schedule), including the cost of the freeholder's compliance with his obligation (under clause 5(4)(a)) to maintain the roof.
3. The first Respondent notified the Applicant that the roof was leaking and needed to be repaired urgently. They agreed that an application should be made to the Tribunal to dispense with the statutory consultation requirements. The Applicant wrote to the second Respondent on 6<sup>th</sup> February 2007 but received no reply.
4. In the meantime, the Applicant obtained four quotes for roof works:-
  - (a) J Logan Roofing Maintenance – £4,500 or £5,500 depending on the tiles used;
  - (b) Anchor Roofing Services – £16,500
  - (c) Avon Ruby – £5,287.50
  - (d) 1<sup>st</sup> Roofing Specialists – £13,700.50

5. The Applicant wrote to both leaseholders on 5<sup>th</sup> March 2007 proposing using J Logan Roofing Maintenance and then made the application to the Tribunal. Eventually, by letter dated 13<sup>th</sup> April 2007, solicitors acting on behalf of the second Respondent indicated that he consented to the application.
6. Under s.20 of the Landlord and Tenant Act 1985 service charges arising from such works may be limited unless certain consultation requirements are complied with. Under s.20ZA(1), the Tribunal may dispense with those consultation requirements if they consider it reasonable to do so. In this case, all the parties are in agreement that they may be dispensed with. The Tribunal is satisfied that the work is required urgently and that the Applicant has been through a suitably thorough process to appoint a contractor to carry out the work.
7. In the circumstances, the Tribunal is satisfied that it is reasonable to dispense with the statutory consultation requirements and grants the application.

Chairman ..... *N.K. Nicol*  
Mr N.K. Nicol

Date: 1<sup>st</sup> May 2007