

LON/OOAU/LDC/2007/0020

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL

LANDLORD AND TENANT ACT 1985 SECTION 20ZA

ADDRESS OF PREMISES: 136 MILD MAY ROAD
ISLINGTON
LONDON
N1 4NE

LANDLORD: SOUTHERN LAND SECURITIES LTD.

TENANTS: THE LEASEHOLDERS OF
136 MILD MAY ROAD, ISLINGTON, LONDON
N1 4NE

Ms E Scully	FLAT A
Ms H Cowan	FLAT B
Mr J Stilgoe	FLAT C

TRIBUNAL: Ms F. Dickie (Chairman)
Mr. L. Jarero BSc FRICS

PRELIMINARY

1. The Application was brought by Hamilton King Management Ltd. on behalf of the Landlord Southern Land Securities Ltd. The Applicant seeks dispensation from the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 as amended by the Commonhold and Leasehold Reform Act 2002 ("the Act") in respect of works in respect of subsidence damage to the property. No description of the works is given in the Application.
2. Section 20ZA(1) of the Act provides that where such an application is made in respect of qualifying works the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
3. The Application is dated 19th March 2007. Directions were given by the Tribunal on 23rd March 2007. None of the parties had requested an oral hearing and the Application has been considered by the Tribunal on the papers.

THE EVIDENCE

4. The property is a terraced property constructed c.1900 and comprising 3 flats. The Tribunal did not carry out an inspection. Subsidence has affected the property. A quotation has been obtained dated 14th January 2007 from M&D Services Limited for £2850 plus VAT. The remedial work specified involve hacking off existing render on external

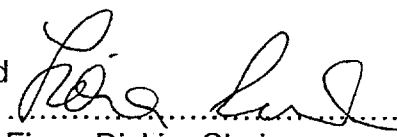
walls to front steps, re-rendering, sealing and decorating the new render.

5. A claim has been made on the property's buildings insurance policy. A letter from Reich Insurance dated 14th March 2007 confirms the insurer's instruction to proceed with the repairs as quoted by M&D Services Ltd., subject to the policy excess of £1000.
6. Works to remedy incidental damage in the hall of Flat A are also required and estimates totalling £1190 have been obtained by Ms. Scully, the Tenant of that property. The Tribunal has not been provided with a copy of the Lease to Flat A.
7. The Applicant has provided correspondence dated 15th March 2007 said to be signed by each of the Tenants, confirming that each accepts the £1000 excess, does not wish to attend an oral hearing of this Application, and is happy to proceed with the dispensation. The Applicant has stated that the insurers would like the work carried out as soon as possible in an effort to resolve the subsidence problem.

DECISION

8. Whilst the works do not appear to be particularly urgent, the Tribunal notes the wish of the insurance company to proceed. The Tribunal further notes the evidence that all of the Tenants have consented to the Application, and that no representations to that Application have been received by the Tribunal from any of the Tenants.
9. As the insurer has accepted liability and agreed to pay the cost less the policy excess, the statutory consultation process if carried out would be largely a formality as the Tenants' contribution will be limited to the £1000 excess.
10. The Tribunal grants the Landlord's application for dispensation with the consultation requirements imposed by section 20 of the Act in relation to the works authorised by the insurer, being satisfied that it is reasonable to do so.
11. Without sight of the Lease to Flat A, the Tribunal is unable to determine whether the remedial works required to that flat fall within the Landlord's repairing obligations and are recoverable as service charges. A claim has been made to the insurer in respect of these costs. For the avoidance of doubt, to the extent that the cost of £1190 to remedy the incidental damage to Flat A is recoverable as service charges, dispensation is granted.

Signed


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Fiona Dickie, Chairman

Dated 27th April 2007