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**Leasehold Valuation Tribunal
London Rent Assessment Panel**

LON/00BK/LDC/2007/0061

Landlord and Tenant Act 1985 section 20ZA

Address: 22/23 Hyde Park Place, London W2 2LP

Applicants: Urbanpoint Property Management Ltd

Respondent: The Leaseholders of 22/23 Hyde Park Place, London W2 2LP

Tribunal members: Mr T J Powell LLB
Mr T Sennett FCIEH

Application: 29th October 2007

Directions: 31st October 2007

Decision: 27th November 2007


Decision of the Tribunal

Having considered the papers carefully, the Tribunal is satisfied that it is reasonable to dispense with the consultation requirements under section 20ZA, in relation to the installation of a new boiler and flue at the premises.

Reasons for the Decision

1. 22/23 Hyde Park Place is a Victorian mansion block with 11 flats. 9 of the 11 leaseholders are members of the residents' association.
2. In May 2007 concerns were raised about the condition and performance of the boiler and flue servicing the block. In the summer of 2007 the boiler was condemned due to carbon monoxide emissions from the flue. Several competitive quotations were obtained for the replacement of the boiler and flue. Following consultation with leaseholders, works commenced at the end of October 2007 and have now been completed.
3. This was an application under section 20ZA of the Landlord and Tenant Act 1985, seeking dispensation with the consultation requirements for the works that have been carried out.
4. Directions were given for the submission of documents by both parties and for the matter to be dealt with on the papers.
5. The papers make it clear that the Applicant went through a process earlier in the year to try and effect a repair to the boiler and flue, but eventually these did not appear possible. The Applicant kept the Respondents informed and consulted with the residents' association, albeit not complying with the formal statutory requirements. The Applicant obtained competitive quotations for the work both in relation to the dangerous flue and to the boiler. Given that the boiler was old and deteriorating, it seems reasonable to have replaced it at the same time as the flue with a boiler which will no doubt be more efficient.
6. The Applicant notified the residents' association of the quotes and obtained its permission to proceed with the work, accepting the lowest tender for the works. The work went ahead without a formal section 20 consultation because of the time of year, the onset of cold weather and the needs of elderly occupants in the block, though the Tribunal noted a comment by one leaseholder that had the Applicant started the process earlier, there would have been time for a full section 20 consultation.
7. Of the leaseholders notified of the application, a number wrote in to agree with it being granted, the majority did not reply and one responded by criticising the quality of the work (although the response did not object to the application itself.)
8. Having considered the papers carefully, the Tribunal is satisfied that it is reasonable to dispense with the consultation requirements under section 20ZA, in relation to the installation of a new boiler and flue at the premises.

9. Nothing in this decision granting dispensation should be taken as endorsing either the reasonableness of the cost of works or the quality of the work, either of which may be the subject of a future application.

Chairman: 

Timothy Powell

Date: 27th November 2007