

**SOUTHERN RENT ASSESSMENT PANEL &
LEASEHOLD VALUATION TRIBUNAL**

**In the matter of Section 20ZA of the Landlord and Tenant Act 1985
And In the matter of 1-21, The Old Vicarage, 71, Bath Road, Swindon
SN1 4AU ("the Premises")**

Case No: CHI/00HX/LDC/2010/0019

Between:

Jephson Homes Housing Association

(Applicant)

And

The lessees of the Premises

(Respondents)

Tribunal: Mr D Agnew BA LLB LLM

Background:

1. On 14th June 2010 the Applicant applied to the Tribunal under Section 20ZA of the Landlord and Tenant Act 1985 (the 1985 Act) for a dispensation from compliance with the consultation requirements set out in Section 20 of the said Act where works to long leasehold premises are to be carried out which will cost the individual lessees in excess of £250 under their service charge.
2. The nature of the works was the replacement of the warden control system at the Premises. The existing system was obsolescent and the necessary parts could no longer be obtained to repair it.
3. As the lessees are elderly and the absence of the warden control system was causing anxiety, the Tribunal proposed to deal with the application on the fast track and by way of written representations. The appropriate notice was therefore given to the parties and there were no objections to this procedure being adopted.
4. The applicant duly filed a statement of case. No statement of case or witness statement was filed on behalf of the Respondents.

The Evidence

5. The Applicant's statement of case explained the reason why it was necessary to replace the warden control system at the Premises and that the existing system could no longer be repaired as parts were no longer available. The Applicant also explained that although it had sent out notices under stages 1 and 2 of the consultation procedure as set out in Section 20 of the 1985 Act, it decided that as the lessees were all elderly and anxious that there was no working warden control system in place they would proceed with the necessary work and apply retrospectively for dispensation.

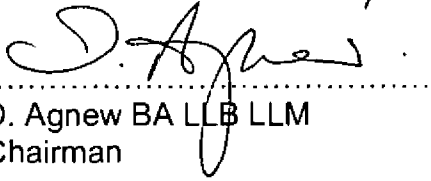
6. The Applicant stated that they had kept the lessees fully informed of the situation and developments. A representative of the company who were maintaining the system had attended a meeting of lessees to explain what was proposed. The lessees had been given details of the three tenders obtained by the Applicant and they had decided at a lessees' meeting to proceed with the tender from Tunstall, the company that was previously maintaining the system and who were therefore familiar with the Property. Their quotation was marginally more expensive than the lowest tender but no doubt because the lessees were familiar with this company and it was familiar with the Premises, they decided to proceed with that company. The Applicant had also informed the lessees of the Section 20 and Section 20ZA procedure set out in the 1985 Act and nearly all the lessees had signed a document saying that they were in favour of applying to the Tribunal to dispense with the section 20 consultation requirements.

The Determination

7. The Tribunal hereby dispenses with compliance with the consultation requirements as set out in Section 20 of the 1985 Act. Section 20ZA of that Act gives the Tribunal power to so dispense with those requirements if it is satisfied that it is reasonable so to do. The Tribunal is so satisfied. The work clearly needed to be done and there was some urgency in it being carried out in view of the age and vulnerability of the lessees. In fact, the Applicant had carried out most of the Section 20 procedure in any event. The lessees were kept fully informed and seemingly all or nearly all were positively in favour of this application being made to the Tribunal and no lessee objected. They were also in favour of accepting the Tunstall tender. In those circumstances the

Tribunal finds no reason why it might refuse to dispense with the Section 20 requirements and accordingly makes the determination requested.

Dated this 2nd day of September 2010


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D. Agnew BA LLB LLM
Chairman