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Residential
Property
TRIBUNAL SERVICE

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

Landlord and Tenant Act 1985 Section 20ZA

LON/OOAW/LDC/2010/0060

Premises: 62 Holland Road, London W14 8BB

Applicant: 62 Holland Road W14 Limited

Respondents: (1) Trudy Essien
(2) David Butler
(3) Lee Gibbons
(4) Trudy Parreira
(5) Denise Turley
(6) Nicole Sconciaorni

Tribunal: Mrs S O'Sullivan
Mr W.R Shaw FRICS
Mr A Ring

Preliminary

- A.** On 18 June 2010 the Applicant made an application for dispensation of all or any of the consultation requirement contained in s20 of the Landlord and Tenant Act 1985 (the "Act") in respect of the property known as 62 Holland Road, London W14 (the "Property"). The Property is described in the application as a *"five storey mid terrace property thought to have been built in the 1890's and currently comprising 5 self contained flats"*. All lessees are shareholders of the Applicant company.
- B.** The application is made in respect of works to repair the rear guttering at the Property. These are said to be necessary as the disrepair to the guttering is *"causing the rear basement conservatory roof to deteriorate faster than would be expected and water to penetrate through into the internal environment, through the down lighters"*. At the same time external decoration works are proposed (given the cost of erecting scaffolding).

- C. Directions were made by the Tribunal dated 19 June 2010. These provided for the application to stand as the statement of case and for the Applicant to submit a schedule of the proposed works and estimates for the cost of works. If any Respondent did not consent to the application provision was made for the service of a statement opposing the application. It was also directed that the application be dealt with on paper.
- D. The works are described in the application as being urgent as *“the conservatory can no longer be used safely and the extent of the repairs to the interior decoration required continues to increase as a result of the delay”*. In addition the conservatory cannot, it is said, be used safely because when it rains the water on the floor as a result of the continual leaks makes it extremely dangerous for the children to use that room. Also it is said that it not possible to use that room at night at all as there is too much water in the area of the electrical wiring for the lights to be used safely.
- E. The works proposed are set out in a specification dated 30 July 2010 and comprise:
- Gutter/downpipes
 - Replace the gutter and downpipe with a new black PVC one
 - Replace soilpipe with new black PVC
 - Decorate
 - Sand down and prepare all the woodwork and replace any rotten parts, fill gaps and holes
 - Paint all the woodwork with undercoat and exterior gloss
- F. Contractors have not yet been instructed. However the specification of works and two estimates have been circulated to the leaseholders. In or around the end of June 2010 the leaseholders agreed to instruct one of the contractors who had submitted an estimate, Martin Property Maintenance, to carry out those works at a total cost of £9,682.00 (a contribution of £1,936.40 per leaseholder). The Tribunal has been provided with a copy of a memorandum signed and dated by each of the leaseholders agreeing to instruct Martin Property Maintenance.

The Law

- G. Section 20 of the Act requires that service charges be limited to £250 per flat unless certain consultation requirements have been complied with. Section 20ZA of the Act (as amended by the Commonhold and Leasehold Reform Act 2002) provides that a leasehold valuation tribunal may dispense with those requirements if satisfied that it is reasonable to do so.

Decision

1. The Respondents all consent to the application. From the information submitted by the Applicant, including the specification and schedule of works dated 30 July 2010, it is clearly essential that repairs be carried out without delay.
2. It appears to the Tribunal that it is reasonable to dispense with the consultation requirements and **determines that those requirements be dispensed with.** This decision makes no determination as to the reasonableness of the cost, the standard of work, or the Respondents' liabilities.

Chairman

Date



17 August 2010