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LON/00AX/LDC/2010/0039

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL
ON AN APPLICATION UNDER THE LANDLORD AND TENANT ACT 1985
(as amended) SECTION 20ZA**

PROPERTY: 202 EWELL ROAD SURBITON SURREY KT6 6HL

APPLICANTS: 202 EWELL ROAD RESIDENTS ASSOCIATION LTD

**RESPONDENTS: THE SEVEN LONG LEASEHOLDERS AT 202 EWELL
ROAD AFORESAID**

Date of application: 9th April 2010

Date of paper determination: 10th May 2010

TRIBUNAL

Mrs T I Rabin JP Chairman
Mr C White FRICS

Date of Tribunal's decision: 10th May 2010

INTRODUCTION

1. The Tribunal was dealing with an application under Section 20ZA of the Landlord and Tenant Act 1985 as amended (“the Act”) for a determination that all or any of the consultation requirements in relation to works to be undertaken by the Applicants may be dispensed with if the Tribunal was satisfied that it was reasonable to dispense with such requirements.
2. The Application was made by 202 Ewell Road Residents Association Limited, who are the managers of the Building appointed pursuant to the leases under which the long leaseholders hold their respective flats and the Respondents were the seven long leaseholders of the flats in the Building. The application was in relation to 202 Ewell Road Surbiton Surrey KT6 6HL (“the Building”).
3. The works (“the Works”) for which the Applicants sought a dispensation of the consultation requirements were as follows:
 - (a) Dry rot remedial works to the bay between Flats 5 and 7 of the Building
 - (b) Decoration and making good following the structural repairs

The Respondents would each be responsible for the proportion required under the terms of their leases.

EVIDENCE

4. The Applicants submitted a bundle of relevant documents through their managing agents, Snellers, which the Tribunal considered. The Tribunal noted that the dry rot was identified by Kenwood Plc, a specialist firm, following which a report was prepared for the Applicants by Jackson Lee & Co Ltd, structural engineers. The report recommended that a competent carpenter could remedy the repair to the rotten beam of the bay. Following this recommendation, a carpenter inspected the Building but concluded that access to the beam prevented a timber repair and it was decided that the rotten beam had to be replaced.. Subsequently a builder inspected the Building on 23rd March 2010 and on 7th April 2010, Messrs A Edwards Building Services submitted a quotation of £4,679.00 to install an RSJ and make good and decorate.
5. Following receipt of the estimate, the board of directors of the Applicants determined that an application should be made to the Tribunal for dispensation. In addition the Respondents were informed by letter dated 3rd March that the dry rot would be investigated and a further letter was written on 9th April 2010 advising the Respondents of the cost of the remedial work and the steps that the Applicants were intending to take.

6. Two of the Respondents sent letters supporting the application and the Tribunal received no objections from any of the other Respondents.

DECISION

7. The Tribunal can only make a determination to dispense with the consultation procedure if it is satisfied that it is reasonable to do so. The purpose of the procedure under Section 20 of the Act is to ensure that the long leaseholders do not suffer any prejudice when they are asked to pay for works that cost in excess of the sum of £250 per flat. The legislation recognises that there may be instances of urgency where the lengthy consultation process, designed to give the long leaseholders full information about the works to be undertaken and to enable them to make comments and propose a contractor to be asked to quote, cannot be followed and that is the reason for the dispensation provisions under Section 20ZA.
8. The Tribunal is aware that dry rot is insidious and spreads quickly. It is therefore important that any outbreak is dealt with without delay. The Respondents were kept informed of all steps taken by the Applicants who appear to have behaved in a responsible manner by looking at all possible options of dealing with the rotten beam.
9. This application falls precisely within the intentions of Parliament when drafting Section 20ZA. The application was properly made in order to facilitate the urgent attention required where there is dry rot.
10. Having regard to the submissions made and the documents supplied the Tribunal is satisfied that it is reasonable to dispense with the requirements of the Regulations in accordance with Section 20ZA of the Landlord and Tenant Act 1985.
11. In coming to this decision the Tribunal reminds the parties that the dispensation of any or all of the requirements of Section 20 does not indicate that the cost itself is reasonable or that the service provided is of a reasonable standard and that the occupants may, if they wish, make an application when they receive the demands for the Works for the Tribunal to determine their liability to pay.



**T I RABIN
CHAIRMAN**

DATE: 10th May 2010