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MAN/00BY/LDC/2010/0010

**NORTHERN RENT ASSESSMENT PANEL  
LEASEHOLD VALUATION TRIBUNAL**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN  
APPLICATION UNDER SECTION 20ZA LANDLORD AND TENANT ACT 1985.**

Applicant: Arena Housing Association Limited  
Respondent: Mr K. D. Harris  
Re: 28B Linnet Lane Liverpool L17 3BQ  
Date of Application: 13<sup>th</sup> July 2010  
Date of Consideration: 20<sup>th</sup> October 2010

Members of the Leasehold Valuation Tribunal:

Mr. G. C. Freeman (Chairman)  
Mr W.T.M.Roberts FRICS .

Date of Tribunal's Decision: 22 October 2010

**The application**

1. On 13<sup>th</sup> July 2010 the landlord of the subject property applied to the Leasehold Valuation Tribunal under section 20ZA of the Landlord and Tenant Act 1985 for dispensation from compliance with the consultation requirements contained in section 20 of that Act and in Part 2 of Schedule 4 of the Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987). The completed application form asked for the application to be dealt with on the fast track and as a matter of urgency, because the window proposed to be replaced was in a dangerous condition.
2. The respondent to the application is the tenant of Flat 28B Linnet Lane Liverpool L17 3BQ. The property forms part of a block of purpose built six

flats. The Tribunal was supplied with a copy of the lease of the flat. It is dated 2<sup>nd</sup> March 1992 and is made between Liverpool City Council of the one part and Alice Larkin of the other part.

**The ground for the application**

3. By letter dated 22 June 2010 the Applicant wrote to the Respondent indicating that the window was in a dangerous condition and needed replacing. The Applicant considers that the cost of this is a service charge item under Schedule 4, clause 6 (k) of the lease which provides that the Applicant is to provide "such other services

**The decision**

4. Having read all the documentation supplied by the parties the Tribunal is satisfied, in accordance with section 20ZA(1) of the Landlord and Tenant Act 1985 that it is reasonable to dispense with the consultation requirements, specified by section 20 of that Act and by Part 2 of Schedule 4 of the Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987), in respect of the proposed window replacement to the subject premises. The Tribunal accordingly determines that compliance with the consultation requirements is dispensed with.

Geoffrey C. Freeman  
Chairman

11<sup>th</sup> November 2010