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**Residential
Property
TRIBUNAL SERVICE**

**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

Landlord and Tenant Act 1985 – Section 20ZA

LON/00AN/LDC/2011/0098

Property	:	203 North End Road, London W14 9NL	
Applicant	:	Waterglen Limited	Landlord
Represented by	:	Countrywide	
Respondents	:	(1) Jieshun Luo (2) Sally Boycott (3) Zoe Huntingford	Tenants
Represented by	:	In Person	
Date of Application:		3 October 2011	
Date of Determination:		21 November 2011	
Date of Decision	:	21 November 2011	
Tribunal	:	Mr John Hewitt Mr Peter Roberts Mr Leslie Packer	Chairman Dip Arch RIBA

DECISION

Decision

1. The decision of the Tribunal is that it finds it reasonable the Applicant shall not be required to comply with any further consultation requirements in relation to the proposed roof repair works the subject matter of this application.

NB Later reference in this Decision to a number in square brackets ([]) is a reference to the page number of the hearing file provided to us for use at the hearing.

The Lease

2. A sample lease is at [4]. In essence the landlord is obliged to keep the structure of the Property, including the roofs in good repair. The Respondent lessees are obliged to contribute to the costs incurred by the landlord in doing so.

The background

3. Flats 2 and 3 have suffered water ingress due to disrepair of the roof. The landlord's managing agents commissioned a report from Aston Rose Chartered Surveyors, which firm has drawn up a specification of works [48].
4. By notice dated 12 September 2011 the landlord sought to comply with stage 1 of the consultation requirements [67]. It was reported that no observations were made by any of the lessees.
5. Competitive quotations were sought and three quotations were submitted. A tender analysis is at [62].
6. By notice dated 3 November 2011 the landlord sought to comply with stage 2 of the consultation requirements [68] citing 3 December 2011 as the date for submission of written observations. In view of the approaching winter weather the Applicant and the Respondents wish to

proceed more quickly and to place a contract for the works to be carried out as soon as possible.

7. The subject application was made on 3 October 2011. Directions were issued on 20 October 2011. In compliance with directions the Applicant has notified the Respondents of the application. By letters/email variously dated 3, 8 and 11 November the Respondents have all confirmed that they give consent for the works to go ahead and consent to an order being made on the application.

Findings and Reasons

8. We are satisfied that the Applicant has taken a reasonable, practical and pragmatic approach to the proposed works. The Applicant has sought to comply with a good deal of the consultation requirements, but wishes to hasten the process to place a contract shortly. The Respondents do not object.
9. We wish to emphasise that in arriving at this decision we are merely determining that there should be dispensation with the remainder of the consultation requirements. We are not making any findings or determinations as to whether the works are repairs or improvements, as whether the leases oblige the Respondents to contribute to the cost of the works or as to whether the scope of the works is reasonable or as to whether the estimated cost of the works is reasonable. All of these matters and others are still open and may be the subject of challenge at the appropriate time.

The Schedule

The Relevant Law

Landlord and Tenant Act 1985

Section 18(1) of the Act provides that, for the purposes of relevant parts of the Act 'service charges' means an amount payable by a tenant of a dwelling as part of or in addition to the rent –

- (a) which is payable, directly or indirectly, for services, repairs, maintenance, improvements or insurance or the landlord's costs of management, and
- (b) the whole or part of which varies or may vary according to the relevant costs.

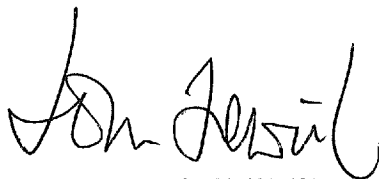
Section 19(1) of the Act provides that relevant costs shall be taken into account in determining the amount of a service charge payable for a period –

- (a) only to the extent that they are reasonably incurred, and
- (b) where they are incurred on the provision of services or the carrying out of works, only if the services are of a reasonable standard;

and the amount payable shall be limited accordingly.

Section 20 of the Act provides for a scheme of consultation with regard to qualifying works and qualifying long term agreements and limits the amount recoverable by the landlord if the consultation requirements are not complied with. The actual consultation requirements are set out in The Service Charges (Consultation Requirements) (England) Regulations 2003.

Section 20ZA of the Act provides that where an application is made to a Leasehold Valuation Tribunal for a determination to dispense with all or any of the consultation requirements in relation to qualifying works the Tribunal may make the determination if satisfied that it is reasonable to do so.



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John Hewitt

Chairman

21 November 2011