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**LONDON RENT ASSESSMENT PANEL**

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

<b>Case Reference:</b>	LON/00AC/LDC/2012/0001
<b>Premises:</b>	Claydon House Holders Hill Road London NW4 1LS
<b>Applicant(s):</b>	Clayton House Residents Society Limited
<b>Representative:</b>	Premier Management Partners Limited
<b>Respondent(s):</b>	36 Lessees of Claydon House (see list attached)
<b>Representative:</b>	Not appearing
<b>Date of paper determination :</b>	28 <sup>th</sup> February 2012
<b>Leasehold Valuation Tribunal:</b>	P L Leighton LLB (Hons)

**DECISION**

**Introduction**

1 By an application dated 20th December 2011 the applicant landlord applied to the tribunal for an order under section 20 Z A of the Landlord and Tenant Act 1985 dispensing with the consultation provisions of section 20 o the Act

2 Directions were given on 5th January 2012 and the application was allocated to the paper track for determination in the week commencing 27th February 2012

3 Copies of the directions were sent to each of the respondent leaseholders who were invited to respond by 3<sup>rd</sup> February 2012 if they wished to oppose the application. To date none of the leaseholders as objecting and the matter has proceeded as an unopposed application.

### **The Facts**

4 Premier Management partners Limited took over management Of Claydon House on eleventh November 2011. The property is a 19 seventies purpose built block of 36 flats with a flat roof, two entrances, two lifts, parking and some gardens and garages on five floors.

5 Prior to the handover of management the directors informed the agents that water ingress from the flat roof had caused damage to the living room ceiling of flat 16, most of which was under the flat roof.

6 The previous agents investigated the issue and various works and repair were undertaken between January and September 2011. Water ingress was intermittent and the agents instructed Mr Swindles, a surveyor to investigate and report on the state of the roof. He reported in October 2011 in which he concluded

(a) There was no clear-cut cause for the water ingress

(b) The roof covering was not the prime suspect

(c) The Acropol putdown recently will last 2 to 5 years assuming it is implemented correctly and that the tiles being put back did not damage anything

(d) There was no evidence of holes in the screed but there was evidence of water

(e) It was possible that there was a failure in the cavity tray

7 As a result he recommended that the cavity tray should be fixed, that the felting under the sill in the French doors should be checked and repaired if necessary and that a water test should then be carried out.

- 8 Repairs were carried out to the damp tray in E on fifteenth November 2011 and repairs to the roof including the removal of existing asphalt and tiles, inspection of decking underneath to insure and confirm soundness and re asphaltting with two coats of paving grade mastic asphalt and three coats of mastic at asphalt or vertical areas with a double angle fillet at the base and installation of new walkway tiles was completed on 22<sup>nd</sup> December 2011.
- 9 The agents obtained two quotations for the work and the lowest was from James Roofing in the sum of £12,500 plus VAT. The agents managed to negotiate a reduced price of 11,500 pounds including VAT this and the work was carried out on 22<sup>nd</sup> and 23<sup>rd</sup> December 2011
- 10 The agents wrote to the lessees on 20<sup>th</sup> December to explain what was going to happen but it was impossible to send a valid section 20 notice according to the agents because of the urgency of work. A further letter was sent to lessees on 6<sup>th</sup> February 2012 explaining what had happened. No objections were received by any lessees and the agents in fact received two telephone calls stating that it was a very sensible to have carried out works.

### **The Tribunal's Decision**

- 11 The tribunal is satisfied on the available evidence that the agents took all reasonable steps to deal with what was an emergency situation. They also endeavoured as far as possible to keep the leaseholders informed about works and the likely cost. It is to be noted that the cost of works is likely to amount to little more than £300 per lessee as against the statutory cap of £250.
- 12 If in the circumstances the tribunal considers both that the agents acted reasonably and that no leaseholder was prejudiced as a result of the action taken, which was of considerable benefit to the leaseholder of flat 16 who had been suffering considerably from the fact of water

ingress. The tribunal has therefore decided to grant dispensation under section 20ZA as requested.

Chairman	Peter Leighton
Date	28 <sup>th</sup> February 2012