

7636



DECISION OF THE LEASEHOLD VALUATION TRIBUNAL

LANDLORD AND TENANT ACT 1985 – SECTION 20ZA

Ref: LON/00AC/LDC/2012/0008

Property: 1-46 Clive Lodge, Shirehall Lane, Hendon,
NW4 3RG

Applicants: Clive Lodge Management Limited
Chromegrove Limited

**Applicants’
Representative:** Martin Russell Jones

Respondents: Various Leaseholders

Date of decision: 24th February 2012

Tribunal: Mrs H C Bowers MRICS (Chairman),
Mr M Taylor FRICS

DECISION

The Tribunal determines that it is reasonable to dispense with all or part of the requirements to consult under section 20 of the Landlord and Tenant Act 1985 in respect of the replacement of two hot water units serving Clive Lodge.

REASONS

Introduction

1.) By an application dated 9th January 2012, the Applicants seek a dispensation of all or any of the consultation requirements in section 20 of the Landlord and Tenant Act 1985 (the Act).

2.) A paper pre trial review was held and Directions were issued on 27th January 2012. It was directed that this matter was to be allocated to the fast track with a short hearing.

Background

3.) Chromegrove Limited is the lessor of 1 – 46 Clive Lodge, Shirehall Lane, London, NW4 3RG (the subject property) and Clive Lodge Management Limited are the management company of the subject property. In the application the subject property is described as a purpose built block of flats dating from the 1930's. The Respondents in this matter are the leaseholders in the subject property.

4.) The application explained that due to a failure of the hot water boilers it had been necessary to carry out emergency repairs and to replace the boilers. The work had been undertaken in January 2012 at a cost of £15,624 plus VAT.

The Law

5.) Section 20ZA of the Landlord and Tenant Act 1985 states:

“(1) Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in

Respondents' Representations

11.) There were no representations from any of the Respondent leaseholders.

Decision

12.) The Tribunal notes the communication that had been undertaken to advise the leaseholders of the problems and how the issue was to be resolved. We also take note that none of the leaseholders have objected to the current application.

13.) In the opinion of the Tribunal the work undertaken in the replacement of the two boilers was of an urgent nature, particularly as the leaseholders had no hot water for a few days. Given the urgent necessity for this work to be undertaken, it would appear to the Tribunal that the Applicant had acted prudently in resolving the problem. Any time delays caused by a full consultation process would not have been beneficial to the leaseholders in this development. Accordingly, the Tribunal determines that it is reasonable to dispense with the requirements to consult under section 20 of the Landlord and Tenant Act 1985.

14.) In reaching this conclusion the Tribunal is mindful that this decision is only limited to the requirements of the consultation process under the Landlord and tenant Act 1985. This decision should not prevent the parties from making any further application in respect of the question as to whether the cost of the works are reasonable and reasonably incurred; that the works are to a reasonable standard and any question in respect of the liability to pay service charges in respect of these works.



Chairman
Helen Bowers

24th February 2012