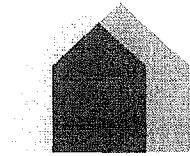




**HM Courts
& Tribunals
Service**



**Residential
Property
TRIBUNAL SERVICE**

**London Rent Assessment Panel
Leasehold Valuation Tribunal**

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

Case Reference: LON/00AQ/LDC/2012/0074

Premises: 1-10, 29 Northolt Road, South Harrow HA2 0LS

Applicant : London Borough of Harrow
Representative : LBH Legal Governance Services

Respondent : Mr Mohammed Quadri
Representative : None

Date of Application: 2 July 2012

Date of Determination: 10 September 2012

Leasehold Valuation Tribunal : Mr John Hewitt Chairman
Mr Neil Martindale FRICS

Decisions of the Tribunal

1. The Tribunal determines it is reasonable to dispense with the consultation requirements set out in section 20 of the Act in respect of asbestos removal works the subject of an invoice issued by European Asbestos Services Limited and dated 9 August 2012 in the sum of £4,632.00 [75] carried out by the Applicant.

NB 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 Application

2. This application concerns a block of ten self-contained flats owned and let by the Applicant (the Council). One of those flats, Flat 4, is let on a long lease which was granted pursuant to the Right to Buy provisions of the Housing Act 1985. That lease is now vested in the Respondent (Mr Quadri).
3. On 2 July 2012 the Tribunal received an application pursuant to section 20ZA of the Act in relation to works then proposed to be carried out concerning the removal of asbestos from parts of the common service areas in the block.
4. Directions were given on 17 July 2012. The parties were notified that the Tribunal proposed to determine the application on the papers and without an oral hearing pursuant to Regulation 13. Notice was given that any request for a hearing should be made by 27 July 2012 and that if a request was made the application would be heard on 12 September 2012. The parties were further notified that in the absence of a request for a hearing the application would be determined during week commencing 10 September 2012. The Tribunal has not received any request for a hearing.
5. The directions also required Mr Quadri to write to the Tribunal, by Friday 27 July 2012 to say whether he consents to the application or whether he opposes it, in whole or in part. The Tribunal has not received a response.
6. The Tribunal has received a trial bundle from the Council containing the documents it relies upon. We are told this was copied to Mr Quadri. We have not received any documents or representations from Mr Quadri.

The qualifying works

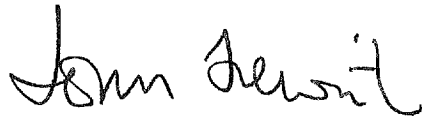
7. There are comprehensive documents submitted by the Council. The gist of its case is that during the course of an asbestos survey, asbestos was found in some of the service risers in the block. The decision was taken to deal with the asbestos as soon as possible on an emergency basis and without carrying out any consultation. The extent of the works are described at paragraph 9 of the Council's statement of case [3].
8. Two estimates were obtained. The estimate of the preferred contractor was the lower of the two. The cost of the works was £3,860 + VAT, a total of £4,632.
9. Under the terms of the lease Mr Qudari is obliged to contribute 10% of costs of repairs and services.
10. Evidently the application was made to enable the Council to try and recover from Mr Quadri a contribution of £462, rather than a capped

contribution of £250 which might otherwise apply. The difference is £213.20. Given that the application fee for this application was £150, the financial case for making the application may be considered marginal.

Reasons

11. In the light of the background to this matter we find that it was within the range of a response of a landlord acting reasonably for the Council to proceed and carry out the works fairly promptly. However, it could have made some effort at some level of consultation with Mr Quadri and provided information to him. Nevertheless we are satisfied that Mr Quadri has suffered no or no material prejudice.

12. We are satisfied that two estimates were obtained and the contract placed with the contractor who bid the lowest. In making this observation we wish it to be clear that in arriving at our decision we are not making any determination that the scope of works was reasonable or that the costs of works was reasonable in amount. These matters are open to challenge by Mr Quadri in due course if he wishes to do so.



Chairman:

John Hewitt

Date:

10 September 2012