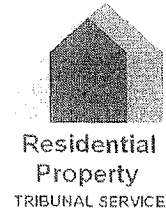


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**LONDON RENT ASSESSMENT PANEL**

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

**Case Reference:** LON/00AT/LDC/2012/0112

**Premises:** 11 Blocks of Flats on the Brentford Dock Estate,  
Brentford, Middlesex, as described in the  
application form.

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**Applicant:** Brentford Dock Limited

**Representative:** Michael Richards & Co.

**Respondents:** All 590 residential leaseholders of the Brentford  
Dock Estate

**Leasehold Valuation  
Tribunal:** Ms F Dickie, Chairman  
Mr T Sennett

**Date of Determination:** 12 November 2012

**Summary of Determination**

The Application is granted.

**Preliminary**

- 1) The Applicant landlord seeks dispensation from all of the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985. The application was received on 3 October 2012.
- 2) The Applicant is the lessor of the Brentford Estate, an estate of residential buildings comprising 590 individual leasehold properties. The Respondents are the holders of the residential leases. The Tribunal has not considered it necessary to carry out an inspection of the premises.
- 3) On 5 October 2012 the tribunal issued directions for the determination of this matter on the papers unless a hearing was requested by any party,

and accordingly the tribunal has proceeded to determine the matter without an oral hearing. The tribunal directed the service of its directions on each of the 590 leaseholder Respondents. A total of 31 leaseholders have as a result taken the opportunity to respond to the application, all of them expressing support for it.

- 4) The landlord seeks an order dispensing with statutory consultation in respect of asbestos removal works required during the replacement of communal central heating boilers on the estate. The works comprise the removal of asbestos containing materials from the boiler house and provision of temporary boilers.
- 5) The 590 properties on the Brentford Estate are served by a communal heating and hot water system, provided by a central boiler house containing three separate boilers. Work to replace these boilers is now proceeding but before work could start it has been discovered in a pre-refurbishment survey that it is necessary to remove asbestos-containing material from the plant rooms. The Applicant was advised, upon discovery of the asbestos, that the cost of the works could be met from contingencies/provisional sums allowed for within the budget for the works.
- 6) Having discovered notifiable asbestos, the Health and Safety Executive required the existing boilers to be decommissioned and all asbestos removed prior to installation of the new equipment. Copy documentation from the landlord's consultants has been produced regarding these more costly HSE requirements, which has increased the estimated cost of the works and temporary boiler replacement substantially to approximately £110,000. This exceeds the statutory consultation limits under section 20 of the Act.
- 7) A previous application under section 20ZA for dispensation from consultation requirements was made to the Leasehold Valuation Tribunal in respect of the boiler replacement works themselves. By a decision dated 20 September 2012 the LVT granted dispensation from so much of the statutory consultation as had not been completed.

### **Determination**

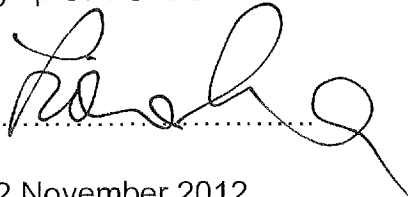
- 8) Section 20ZA of the Landlord and Tenant Act 1985 provides.

(1) Where an application is made to the Leasehold Valuation Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long-term agreement, the Tribunal may make the

determination if satisfied that it is reasonable to dispense with the requirements.

- 8) Upon the evidence presented the tribunal determines that it is reasonable to dispense with statutory consultation in relation to asbestos removal from the boiler house and the provision of temporary boilers for the following reasons:
- a) the works to replace the boilers, in respect of which dispensation from statutory consultation was granted, could not commence unless the asbestos was removed.
  - b) the Health and Safety Executive has required that this work be undertaken.
  - c) The landlord's professional advisers did not foresee this cost in order to take steps to consult about it or to include it within the previous application to the tribunal under s.20ZA.
  - d) The provision of temporary boilers will ensure that hot water and heating continue to be available to the Respondents.
  - e) Amosite is referred to in the asbestos survey and this material is identified as highly hazardous
  - f) There is clearly sufficient urgency in the circumstances to merit a grant of dispensation.
- 9) The tribunal's decision relates only to the application to dispense with statutory consultation under section 20 of the Act. It should be noted by the parties that this determination does not affect the right of the leaseholders under s.27A of the Act to challenge the payability or reasonableness of the cost of the works to be recovered under the service charge provisions of their leases.

Signed .....



12 November 2012

Ms F Dickie, Chairman