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**HM Courts  
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**Residential  
Property  
TRIBUNAL SERVICE**

**DECISIONS OF THE LEASEHOLD VALUATION TRIBUNAL ON  
APPLICATIONS UNDER SECTIONS 20ZA, 20C AND 27A OF THE  
LANDLORD AND TENANT ACT 1985**

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**Reference: LON/00AU/LDC/2011/0129**

**Property: Brewhouse Yard London EC1V 4JU**

**Applicants: Brewhouse Yard RTM Company Limited**

**Respondent: Andsell Property Investments Limited and Various Lessees  
as listed in the application**

**Appearances: Mr Roger Southam, managing agent of Chainbow for the  
Applicants**

**Tribunal: Ms E Samupfonda LLB (Hons)  
Mrs S Redmond BSC (Econ) MRICS**

**Hearing: 16<sup>th</sup> February 2012**

**Date of Decision: 16<sup>th</sup> February 2012**

In the Leasehold Valuation Tribunal

LON/00AU/LDC/2011/0129

Applicant	Brewhouse Yard RTM Company LTD
Respondent	Various Leaseholders as listed in the schedule to the application
Premises	Various Flats at Brewhouse Yard, London EC1V 4JU

**Tribunal**

Ms E Samupfonda LLB (Hons)

Mrs S Redmond BSC (Econ) MRICS

1. The Applicant seeks dispensation from all of the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (the Act) as amended by the Commonhold and Leasehold Reform Act 2002 in respect of proposed work to replace all of the light fittings in the communal hallways and staircases of each block and redecorate all communal hallways and staircases.
2. Directions for the future conduct of the case were made and issued on 3<sup>rd</sup> January 2012.

**Background**

3. Brewhouse Yard RTM Company acquired the Right to Manage on 8 December 2011. Chainbow were then instructed to manage the blocks. Stonedale Property Management was the previous managing agent.

Stonedale Property Management consulted on the proposed work in 2011 before the management functions were transferred to the Applicants and Smith's Property Maintenance was the notified chosen contractor. The proposed work was not carried out due to queries over the amount in the reserve fund and due to the acquisition of the Right to Manage. Following Chainbow's appointment, the works were re tendered. The Applicant makes this application because the specification of the work has now altered and the consultation that was carried out previously was done in the name of Fairhold Clerkenwell Ltd, the freeholder.

The Applicant considers that there is insufficient time for health and safety reasons to complete the full consultation process. The light fittings are loose and one fitting has fallen onto the floor.

Neither the Tribunal nor Chainbow received any representations from potential Respondents to the application.

## Law

4. Section 20 of the Act limits the financial contributions that must be made by lessees in respect of major works carried out by landlords unless the consultation requirements have been complied with or alternatively dispensed with by a Tribunal under section 20ZA(1) of the Act. The test as to whether a Tribunal should dispense is whether it is reasonable.

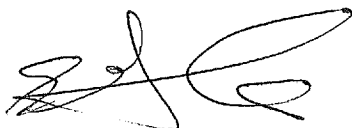
## Hearing

5. The application was heard on 16<sup>th</sup> February 2012. Mr Roger Southam Managing agent of Chainbow attended and represented the Applicants. The Respondents did not attend and were not represented. Mr Southam explained the historical background. He said that the lessees were dissatisfied with the previous management and in particular with the approach to major works. This application was being made as quickly as possible because of health and safety issues in relation to the lighting. Lessees were being regularly informed by way of meetings and correspondence about the section 20ZA application and the proposed works. A meeting was held in December 2011 at which 40% of the lessees attended and there was no opposition to the proposed works. A trial corridor was completed in January 2012, all leaseholders were invited to view and submit comments and no observations were made. The change in specification related largely to the final finish to be achieved as the original specification left surface ducted wiring, which the lessees felt unsuitable for a prestige building of this kind.

## Decision

6. The Tribunal is satisfied that it is reasonable to dispense with the consultation requirements of section 20 of the Act in relation to the Applicant's proposed works. Neither the Applicants nor the Tribunal has received any representations from potential Respondents in relation to this application. It is apparent that the lessees are aware of not only these proceedings but of the proposed work. The Tribunal accepted Mr Southam's submissions that there are no objections to the proposed works and that the lighting is defective and constitutes health and safety hazard. This decision to dispense does not relate to the reasonableness of the proposed cost or the payability of any service charge under section 27A of the Act.

Chairman



Dated

16/2/12