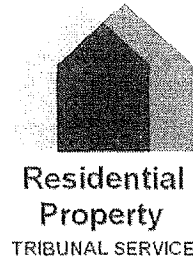


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**RESIDENTIAL PROPERTY TRIBUNAL SERVICE  
LEASEHOLD VALUATION TRIBUNAL for the  
LONDON RENT ASSESSMENT PANEL  
LANDLORD AND TENANT ACT 1985**

**LON/00AW/LDC/2012/0073**

**DECISION OF THE TRIBUNAL UNDER SECTION 20ZA OF THE  
LANDLORD AND TENANT ACT 1985**

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**Premises:** Chartwell House, 12 Ladbroke Terrace, london  
W11 3PG

**Applicant:** Goldsborough Estates Ltd

**Represented by:**

**Respondent:** 31 leaseholders named in attached schedule

**Represented by:**

**Tribunal:** Martin Rodger QC, Neil Moloney FRICS

**Date of Hearing:** 20/09/12

**Date of Decision:** 20/09/12

**DECISION OF THE TRIBUNAL UNDER SECTION 20ZA OF THE  
LANDLORD AND TENANT ACT 1985**

**CHARTWELL HOUSE, 12 LADBROKE TERRACE, LONDON W113PG**

**Parties**

1. The Applicant is the lessor of Chartwell House ("the Building"), which contains 31 leasehold retirement and assisted living flats for older people. The Respondents are the long leasehold owners of the flats in the Building. The Chartwell House Residents' Association is an association of which all long leaseholders are entitled to be members. Although the Association is not a party to this application it is supportive of it.

**Application**

2. The Applicant seeks an order under section 20ZA, Landlord and Tenant Act 1985 ("the 1985 Act"), dispensing with statutory consultation requirements in relation to estimated expenditure of approximately £17,000 to remedy water penetration to the penthouse level of the Building which occurred in May 2012.
3. No party requested that the application be dealt with at an oral hearing, and having considered the papers the Tribunal felt able to make a determination on the written material alone.

**Facts**

4. The flats in the Building are occupied under leases which place responsibility for repairing the roof on the Applicant (cl.4 and paragraph 3 of schedule 6). The cost of repairs is recoverable from the Respondents through a service charge.
5. The need for external work to the roof of the Building at the penthouse level was identified in a report by Watkinson & Cosgrave, the Applicant's chartered surveyors, in December 2011. A schedule of work was drawn up and a preliminary notice of intention to carry out the works was given by the Applicant to all leaseholders on 18 April 2012. Tenders seem to have been invited before the time for responding to the consultation notice had expired, and a second notice informing leaseholders of the outcome of the tender exercise and of the Applicants intention to place the contract with the lowest tenderer was sent out on 21 May 2012.
6. The Respondents were kept informed of the need for work and the anticipated expenditure by consultation between the Applicant and the Residents' Association which in turn sent out regular newsletters to the leaseholders.

7. During May 2012 extensive damage was caused to the Building by water penetration through one of the penthouse terraces. Flat 27 was particularly badly affected. Additional remedial work was identified as being desirable and notice of the additional cost totalling £16,948 was given to all leaseholders on 24 May 2012.
8. The officers of the Residents' Association were fully supportive of the decision to carry out further work, having resolved on 18 May 2012 that the work should proceed with all possible speed and should include whatever work was necessary to put right the problems experienced by flat 27.
9. The current application to dispense with the full consultation requirements of section 20 of the Landlord and Tenant Act 1985 was commenced on 26 June 2012. It was accompanied by a list of signatures of 27 of the 31 leaseholders expressing their support for the application and indicating that they did not desire further consultation.
10. None of the leaseholders has responded to the application since it was issued. Of the 4 leaseholders who did not positively support the application, 3 are said to have died. The Tribunal directed that copies of the application be served on all leaseholders, including at the flats of those who are understood to have died and whose interest in the leases will have vested in their personal representatives. Given the level of support amongst the leaseholders generally the Tribunal does not consider the absence of any response from the holders of the 4 remaining leases to be significant in reaching its decision.

### **Decision and reasons**

11. Under section 20ZA of the 1985 Act the Tribunal has power to dispense with the statutory consultation requirements if it is satisfied that it is reasonable to do so.
12. In this case the Tribunal considers that it is reasonable to dispense with so much of the statutory consultation as has not been completed. It is obviously necessary for the remedial work to be undertaken and sensible for the additional work identified in May to proceed at the same time as the work to the penthouse level which had already been identified. The work itself and the application to dispense with consultation are supported both by the Residents' Association and by a clear majority of the individual leaseholders. The cost of the work, we are informed, will be met from reserves accumulated in a sinking fund, so no unexpected contributions should be required from individual lessees.
13. Taking all of these considerations into account we are satisfied that it is reasonable to dispense with the consultation requirements in respect of the estimated expenditure of £17,000 on the work to the penthouse level of the Building.

**Note**

14. This decision concerns only the application to dispense with consultation under section 20ZA of the 1985 Act. The Tribunal has made no decision on any other issue and nothing in this decision affects the right of any party to make a further application to the Tribunal under any other provision of the 1985 Act, whether concerning the reasonableness of the work done or the cost incurred or otherwise.

A handwritten signature in black ink, appearing to read 'Martin Rodger QC', with a stylized flourish at the end.

Martin Rodger QC  
20 September 2012