

7444

London Leasehold Valuation Tribunal File Ref No.

LON/00BG/LDC/2011/0122

Her Majesty's Courts and Tribunals Service
Leasehold Valuation Tribunal: determination

Landlord and Tenant Act 1985 section 20ZA

Address of Premises

53 Vallance Road,
London E1 5AB

The Committee members were

Mr Adrian Jack
Mr Neil Maloney FRICS

The Landlord: Inderjit Athwal

**The Tenants: Rashpal Jain (Flat A); David Vaughan (Flat B); and
Jeevan Singh (Flat C)**

Procedural

1. By an application received 30th November 2011 the landlord applied for dispensation from the requirements of section 20 of the Landlord and Tenant Act 1985 in respect of works said to be required in a Fire Risk Assessment and in a Health and Safety Assessment.
2. The Tribunal gave directions on 2nd December 2011 for the determination of the matter on paper, but gave parties the option of asking for an oral hearing. No one availed themselves of this option and in consequence the Tribunal determines the matter on paper.

The law

3. The Landlord and Tenant Act 1985 as amended requires a landlord to carry out a two stage consultation process before carrying out major works: see section 20. If the landlord does not comply he is limited to recovering £250 per flat. The Tribunal is given a discretion to disapply the consultation requirements in appropriate cases: see section 20ZA.

The decision

4. The Fire Risk Assessment was carried out by Mr Rashid Ahmed on 26th June 2011. The Health and Safety Assessment was carried out by Mr

Qalab Ali, a director of Haxagon Property Co Ltd, the managing agents. Neither man gives any indication of his qualifications. Neither appears on the national register. The failure to consult may well prejudice the tenants, if they have any issue with the need for the works identified in the assessments.

5. Moreover the two assessments were carried out some five months prior to the making of the application for dispensation. There was ample opportunity for the landlord to carry out a normal section 20 consultation.
6. It is apparent that the landlord has dealt with this matter without any urgency. In our judgment there is no pressing need to dispense with the consultation requirements. Moreover the landlord has failed even to attempt to contact the tenants to see whether they might consent to the works without a section 20 consultation being carried out.
7. In all these circumstances we refuse the application for a dispensation under section 20ZA.

DECISION

8. **The Tribunal accordingly refuses the application to dispense with the requirements of section 20 of the Landlord and Tenant Act 1985.**



Adrian Jack, chairman

9th January 2012