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**LEASEHOLD VALUATION TRIBUNAL for the  
LONDON RENT ASSESSMENT PANEL**

**DETERMINATION BY THE LEASEHOLD VALUATION TRIBUNAL**

**APPLICATION UNDER S 20ZA OF THE LANDLORD AND TENANT ACT 1985,  
as amended**

**REF: LON/00BH/LDC/2012/OO55**

**Address:** 1 to 48 Seymour Court, Whitehall Road, London E4  
6DZ

**Applicant:** Dexite Co. Ltd.

**Represented by:** J S Estates Ltd.

**Respondents:** Certain lessees of 1 to 48 Seymour Court,  
Whitehall Road, London E4 6DZ

**Tribunal:** Mrs JSL Goulden JP

**Date of Tribunal's Decision:** 8 June 2012

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1 The Applicant, who is the landlord of 1 to 48 Seymour Court, Whitehall Road, London E4 6DZ ("the property") has, through its agents, J S Estates Ltd. applied to the Tribunal by an application dated 21 May 2012, and received by the Tribunal on 22 May 2012, for dispensation of all or any of the consultation requirements contained in S20 of the Landlord and Tenant Act 1985, as amended ("the Act").

2. The property is described in the application as a *"4 purpose built blocks of residential flats"*.

3. Although the Applicant had requested an oral hearing in the application, in view of the urgency, the Tribunal decided that it would be appropriate for the matter to be dealt with by way of a paper determination, and the Applicant's representatives were so notified in a letter from the Tribunal dated 1 June 2012. No application was made on behalf of any of the Respondents for an oral hearing. This matter was therefore determined by the Tribunal by way of a paper hearing which took place on Friday, 8 June 2012.

4. A copy of the leases of Flats 3 and 35 Seymour Court were in the case file. With no evidence to the contrary, it has been assumed that all the residential leases are in essentially the same form.

5. The Tribunal did not consider that an inspection of the property would be of assistance and would be a disproportionate burden on the public purse.

### **The Applicant's case**

6. The qualifying works were described in the application as *"the qualifying works are to renew the mains water pipes from the incoming stop cock to the entrances of each block"*.

7. In written submissions, J S Estates Ltd., on behalf of the Applicant stated, inter alia:

*"We were notified by Thames Water that there is a leak on the mains pipework under the ground to the above-mentioned property, we have carried out several repairs but Thames Water has reported that there are several more leaks and the pipework will need to be renewed. We have accordingly asked for quotations for renewal.*

*We have served a Notice of Intention but are unable to serve a Section 20 Notice as Thames Water is insisting the works should be carried out by 12 June, otherwise they will do the work in default. We have on the request of the Tribunal asked Thames Water to extend the time limit as the Tribunal will be considering on 8 June a Dispensation of part of the Section 20 Notice, and they agreed to extend it till 18 June 2012"*.

7. In respect of consultation which had been carried out, it was stated in the application *"we have written to all lessees advising them of the situation and urgency of the works, accompanied by a Notice of Intention. We have also advised them that due to the urgency of the works we are applying for a dispensation of all or any of the consultation requirements"*.

8. J S Estates Ltd. also submitted:-

(a) three estimates for the proposed works, being Thames Water in the sum of £76,109.46 including VAT, Olympic Plumbing Services in the sum of £37,680 including VAT and Capelwood Utilities Ltd. in the sum of £26,496 including VAT. In addition it was stated that the management fees would be added in the sum of £2,649.60 including VAT. It was intended to accept the estimate of Capelwood Utilities Ltd.

(b) A copy of the Notice of Intention dated 18 May 2012.

### **The Respondents' case**

9. No written representations were received by the Tribunal from any of the Respondents, but notification was received from the lessees of Flats 1,3,17,21,25,38,40 and 41 confirming that they were agreeable to dispensation of the consultation requirements.

### **The Tribunal's determination**

10. It is clear that although works had been carried out to prevent leakage, the problem had not been solved and further leaks required urgent attention.

11. An email to the Tribunal from the Applicant's managing agents and dated 31 May 2012 referred to an email which they had received from Thames Water. No copy of that email was submitted. The Tribunal was, however, advised by the Applicant's managing agents that the email from Thames Water stated "can you please confirm the application you are apply for "Leasehold Valuation Tribunal for a dispensation of Section 20 Notice" will be within the 60 days notice with the additional 7 days extension validating on Tuesday 05/06/2012 as per quotations sent, as discussed. Thames Water will be issuing a Section 75 Statutory Enforcement Notice to carry out the repairs on Tuesday 12.06/2012 if leaks have not been cured"

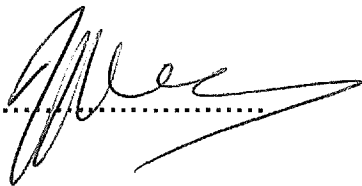
12. The Tribunal must have a cogent reason for dispensing with the consultation requirements, the purpose of which is that lessees who may ultimately foot the bill are fully aware of what works are being proposed, the cost thereof and have the opportunity to nominate contractors.

13. The financial burden on the lessees is potentially onerous but in this case, the Tribunal determines that the lessees would not be prejudiced by the Applicant's failure to consult fully. Any delay could increase the cost and the works appear to be so urgent that Thames Water intended issuing a Statutory Enforcement Notice.

14. Accordingly the Tribunal is satisfied that it is reasonable to dispense with requirements and determines that those parts of the consultation process under the Act as set out in The Service Charges (Consultation Requirements) (England) Regulations 2003 which have not been complied with may be dispensed with.

**15. It should be noted that in making its determination, and as stated in Directions, this application does not concern the issue of whether any service charge costs are reasonable or payable by the lessees. The Tribunal's determination is limited to this application for dispensation of consultation requirements under S20ZA of the Act.**

CHAIRMAN.....



DATE....8 ...June.... 2012.....