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London Leasehold Valuation Tribunal File Ref No.

LON/00BK/LDC/2011/0120

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

Landlord and Tenant Act 1985 section 20ZA

Address of Premises

The Committee members were

Lancaster Court,

Mr Adrian Jack

100 Lancaster Gate,

Mr Neil Maloney FRICS

London W2 3NY

The Landlord: Lancaster Gate Ltd

The Tenants: Various

Procedural

1. By an application received 25th November 2011 the landlord applied for dispensation from the requirements of section 20 of the Landlord and Tenant Act 1985 in respect of replacement of the communal boilers and associated works.
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 communal boilers have broken down and cannot be repaired. The provision of communal heating and hot water is required under the terms of the leases of the flats in the block. It is winter and there is an urgent need for hot water and heating to be provided.
5. The managing agents have consulted with the tenants (albeit not in accordance with section 20). None oppose the works. No tenant has written to the Tribunal to oppose the proposed dispensation and six (owners of sixteen flats in the block) have written to support dispensation.
6. The Tribunal in these circumstances has no hesitation in dispensing with the consultation requirements.

DECISION

7. **The Tribunal accordingly grants the application to dispense with the requirements of section 20 of the Landlord and Tenant Act 1985 in respect of the proposed replacement of the communal boilers and associated works.**



Adrian Jack, chairman

9th January 2012