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HM COURTS & TRIBUNAL SERVICE

RESIDENTIAL PROPERTY TRIBUNAL SERVICE

LEASEHOLD VALUATION TRIBUNAL

**DECISION ON AN APPLICATION UNDER SECTION 20ZA of the LANDLORD
AND TENANT ACT 1985**

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| Property | Apartments 1 – 8 Three Indian Kings House, 31 Quayside, Newcastle upon Tyne NE1 3DE |
| Applicant | Blue Anchor Residents Association Limited |
| Respondents | Leaseholders of the Apartments at the Property (see Appendix) |
| Date of Application | 17 August 2012 |
| Date of Determination | 19 November 2012 |
| The Tribunal | Mr W.L. Brown LL.B Mr I.R. Harris FRICS |

Background

1. An application was made by Kingston Property Services on behalf of the Applicant for dispensation from the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 ("the Act") with regard to remedial works and replacement to the Property of the front elevation curtain walls cover caps and pressure plates, corner pressings and jamb flashings. The Applicant had found it difficult to obtain like for like quotations for certain repair works to the exterior of the Property it regarded as necessary. It had produced only one estimate.
2. Directions dated 23 October 2012 were sent to the parties indicating that the Leasehold Valuation Tribunal ("the Tribunal") considered that the matter could be resolved without an oral hearing unless such hearing was requested by a party. No such request was made and the Tribunal met on 20 November 2012 to inspect the Property and determine the Application.

3. An external inspection of the Property was undertaken on the morning of 20 November 2012 and the Tribunal saw for itself that the deficiencies in the front elevation curtain walls were as described in the Application. The Property comprises a retail, office and residential block forming part of the terrace fronting onto the Newcastle Quayside. The Building is arranged on ground and three upper floors, has artificial stone frontage relieved with three vertical panels of feature glazed curtain walling, surmounted by a glazed atrium with terraces to each side. The curtain walling is aluminium framed with tinted glass. On the ground floor the retail units flank the entrance to the flats and first floor offices. There is parking to the rear service access.

Submissions

4. The Applicant said that no works had been undertaken to the curtain walls since their installation in the 1980s and urgent attention was required to remove weathered cover caps and pressure plates, to remove externally visible 90 degree corner pressings and jamb flashings and to replace in accordance with the specification prepared by Lewis Surveying Associates LLP.
5. In addition, the Applicant stated that the works to the curtain wall were of a specialised nature, that the manufacturers were best suited to undertake the works and it had been difficult to obtain comparative quotes. During the consultation process one leaseholder had nominated North Eastern Glass Limited, the original manufacturer and installer of the curtain walls, to be approached for an estimate to undertake the works and that company had produced its quotation. Four e-mail addresses for other contractors had been supplied also and the Applicant confirmed that the specification for the work would be issued to them.
6. The Applicant indicated that there were sufficient funds in the sinking fund for the Property to cover the costs of the works.
7. A copy of a sample lease of an apartment in the Property was submitted. The landlord's obligation to repair is stated in the 4th Schedule.
8. There were no representations from any Respondent all of whom had been sent copies of the Application by the Tribunal and invited to comment.

Tribunal's Decision

9. The Tribunal is persuaded by the Applicant's case and the absence of representations from the Respondents indicates that there is no significant opposition to the Application.
10. No prejudice is likely to be suffered by the Respondents by the lack of formal compliance with the requirement for consultation. The Tribunal is reassured that any concern of the Respondents on the issue of cost was being addressed.

11. Having considered the submissions, the Tribunal is satisfied, in accordance with Section 20ZA of the Act, that it is reasonable to dispense with the consultation requirements specified in Section 20 of the Act and by Part 2 of Schedule 4 of the Service Charges (Consultation Requirements) (England) Regulations 2001 (SI 2003/1987).
12. The Tribunal so determines.
13. This decision does not concern the issue of whether any service charge costs resulting from any such works will be reasonable or indeed payable. It will be open to the lessees to challenge any such cost charged by the Applicant.



W.L. Brown

Date: 20 November 2012

Chairman of the Leasehold Valuation Tribunal