



HM Courts  
& Tribunals  
Service

8716



Residential  
Property  
TRIBUNAL SERVICE

LONDON RENT ASSESSMENT PANEL

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION  
UNDER SECTION 20ZA OF THE LANDLORD AND TENANT ACT 1985**

**Case Reference:** LON/00AG/LDC/2012/0147

**Premises:** 14 Princess Road, London, NW1 8JJ

---

**Applicant:** Bradford Property Trust Limited

**Representative:** Chesterton Humberts

**Respondents:** Alra Properties Ltd (1)  
Mr P J C Anderson (2)  
Mr E & Mrs D Ramambason (3)  
Mr S Levine (4)

**Representative:** None.

**Leasehold Valuation  
Tribunal:** Mr L Rahman (Barrister)  
Mr K M Cartwright JP FRICS

**Date of decision:** 28.01.13

## **Decisions of the Tribunal**

- (1) The Tribunal determines it is reasonable to dispense with the relevant consultation requirements.

## **The application**

1. An application has been made under s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for a determination that all or any of the consultation requirements in relation to works to be undertaken by the Applicant may be dispensed with if the Tribunal was satisfied it was reasonable to dispense with such requirements.
2. The Applicant confirmed it was happy for the application to be dealt with on paper if the Tribunal thought it appropriate. There was a Pre Trial Review on 6.12.12. The Tribunal considered that if none of the Respondents requested an oral hearing then it would be appropriate for the application to be dealt with in this manner (without a hearing). None of the parties requested an oral hearing so the matter was listed to be dealt with on paper.

## **The background**

3. The property which is the subject of this application is a house that has been converted into 4 flats.
4. The works ("the Works") for which the Applicant sought a dispensation of the consultation requirements were as follows:
  - (i) Urgent repairs to the roof, including reinforcing a decayed timber beam with a steel beam and the repairs to the roof covering and to the rendered wall.
5. The Respondents would each be responsible for the proportion required under the terms of their leases.

## **The Applicant's case**

6. The Applicant states it was carrying out external decorations to the premises, which had been fully consulted upon, when it transpired the building was suffering from serious water ingress, which was affecting the structural timbers of the roof and causing damage to the second floor flat. The matter was reported to the Applicant on 4.10.12 and inspected by CKW Surveyors the next day, who reported their findings to the Applicant on 13.10.12 (page 21 of the bundle). CKW stated the work was urgent. A Notice of Intention was served on 30.10.12, the consultation period expired on 4.12.12. A tender was received on 20.12.12.

7. The Applicant wrote to the Respondents, setting out the proposed works and the need for urgency, and invited written observations by 4.12.12 (copy letter on page 15 of the bundle).
8. Directions were issued by the Tribunal on 6.12.12, inviting the Respondents to, no later than 24.12.12, confirm whether they consent to the application or opposed the application.

### **The Respondent's case**

9. Mr P Levine confirmed, in response to the Tribunal's Direction, that he supported the application for dispensation.
10. Mrs Ramambason emailed the Applicant's representative on 2.01.13, confirming she supported the application (page 20 of the bundle).
11. The Tribunal received no objections from any of the other Respondents.

### **The Tribunal's decision**

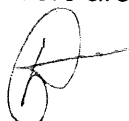
12. The Tribunal can only make a determination to dispense with the consultation procedure if it is satisfied that it is reasonable to do so. The purpose of the procedure under s.20 of the 1985 Act is to ensure that the long leaseholders do not suffer any prejudice when they are asked to pay for works that cost in excess of £250 per flat. The legislation recognises that there may be instances of urgency where the lengthy consultation process, designed to give the long leaseholders full information about the works and to enable them to make comments and propose a contractor to be asked to provide a quote, cannot be followed and that is the reason for the dispensation provisions under s.20ZA of the 1985 Act.
13. This application is supported by 2 of the Respondents. There is no evidence to suggest the other 2 Respondents oppose the application. The Applicant has attempted to comply with as much of the formal consultation requirements as possible. The works were tendered and the Applicant has chosen the cheapest option. Having considered the Applicant's representations, the Surveyors' findings, and the photograph's provided (pages 25-27 of the bundle), the Tribunal finds the work is necessary and urgent. The beam holding the roof up is rotting. Delaying the work could lead to the beam collapsing.
14. For the reasons given, the Tribunal is satisfied it is reasonable to dispense with the relevant consultation requirements contained in s.20 of the 1984 Act.
15. The dispensation of any or all of the requirements of s.20 of the 1985 Act does not indicate that the cost itself is reasonable or that the work is of a reasonable standard. The Respondents may, if they wish, make a subsequent application

under s.27A of the 1985 Act, challenging either the need or quality of such works, the recoverability of the cost under the lease, or the level of the cost.

**Application under s.20C and refund of fees**

16. The Applicant has not made an application under Regulation 9 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003 for a refund of the fees that had been paid in respect of the application. The Respondents have not applied for an order under section 20C of the 1985. Accordingly, no orders are made.

Chairman: L Rahman



Date: 28.01.13