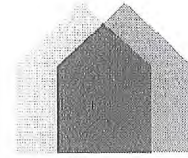


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**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL**

**LANDLORD AND TENANT ACT 1985 – SECTION 20ZA**

**Ref: LON/00BH/LDC/2012/0140**

**Property:** 111, Whipps Cross Road, London, E11 1NW.

**Applicant:** Ground Rent (Regis) Limited

**Applicant's  
Representative:** Countrywide Estate Management

**Respondents:** Miss S Dosanjh (Flat A)  
Mr M Love and Mrs I Love Chowdhury (Flat B)  
Mr D Pender (Flat C)  
Mr S and Mrs S Lee (Flat D)

**Date of decision:** 7<sup>th</sup> January 2013

**Tribunal:** Mrs H C Bowers (Chairman),

## Decision

1.) The Tribunal determines that it is reasonable to dispense with the requirements to consult in respect of the repair to a dormer window at the subject property under section 20 of the Landlord and Tenant Act 1985.

## Introduction

2.) By an application dated 25<sup>th</sup> October 2012, the Applicant seeks a dispensation of all or any of the consultation requirements in section 20 of the Landlord and Tenant Act 1985 (the Act).

3.) A paper pre trial review was held and Directions were issued on 30<sup>th</sup> November 2012. It was directed that this matter could be allocated to the Paper Track, unless either party requested a hearing. There was no request for a hearing and therefore this matter was considered on the basis of the papers submitted to the Tribunal.

## Background

4.) The Applicant is the landlord of 111 Whipps Cross Road, London, E11 1 NW (the subject property). In the application the subject property is described as a block containing four flats. The Respondents in this matter are the leaseholders in the subject property and are identified in the preamble.

5.) The application describes the qualifying works as *"An on going leak is present and is causing damage to the Top Floor Flat at the development. Due to the height of the roof a cherry picker is not able to give a contractor access to do the repairs. We wish to accept a quotation from a contractor so no further damage is caused to the flat or common parts."*

6.) The application seeks a dispensation for all or any of the consultation requirements. In support of the application it was explained that the applicant had communicated with all the leaseholders via email, phone and a recent meeting and that *"we feel that any further delay will cause more damage to the top floor flat and common parts"*.

## **The Law**

7.) Section 20ZA of the Landlord and Tenant Act 1985 states:

*“(1) Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreements, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements. ....”*

## **Representations**

8.) Although no specific trial bundle was submitted, there were numerous papers sent to the tribunal in respect of this matter.

## **Applicant’s Representations**

9.) There were no specific representations from the landlord. However, included in the papers was a quotation from Rapid Response Maintenance Ltd that was dated 18<sup>th</sup> August 2012. The quotation described the proposed works as erecting scaffolding to the front elevation of the subject property for a period of two weeks and to strip back the slates to the side of the dormer window, to fit new lead skirts and refit the slates. The sum quoted for the works was £3,960.00 including VAT.

## **Respondents’ Representations**

10.) The Directions that were issued on 30<sup>th</sup> November 2012 included a pro-forma for the Respondents to indicate whether or not they objected to the current application for dispensation. All four leaseholders responded using the pro-forma to indicate that they support the landlord’s application for dispensation in respect of the replacement of the dormer window roof covering.

## **Decision**

11.) The Tribunal noted all the Respondents have supported the application for dispensation.

12.) It would appear that the work is of an urgent nature as there is water ingress into the top floor flat. Accordingly, the Tribunal determines that it is reasonable to dispense with the requirements to consult under section 20 of the Landlord and Tenant Act 1985 in respect of the repair work required to the dormer window at the subject property.

13.) In reaching this conclusion the Tribunal is mindful that this decision should not prevent the leaseholders from making any further application in respect of the question as to whether the cost of the works are reasonably incurred, that the works are to a reasonable standard and any question in respect of the liability to pay service charges in respect of these works.

A handwritten signature in black ink, appearing to read 'Helen Bowers', written in a cursive style.

Chairman

Helen Bowers

7th January 2013