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Residential
Property
TRIBUNAL SERVICE

**LEASEHOLD VALUATION TRIBUNAL
LONDON RENT ASSESSMENT PANEL**

LANDLORD AND TENANT ACT 1985 Section 20ZA
COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Ref: LON/00AE/LDC/2006/0005

Address: 107C & 107E Malvern Road, London, NW6 5PU

Applicant: Brent Housing Partnership

Respondent: Mr Anim (107C)
Mrs Grant (107E)

Tribunal: M A Loveday BA (Hons) MCI Arb
M Mellery-Pratt FRICS
M Colville

1. This is an application for dispensation with consultation requirements under Section 20ZA of the Landlord & Tenant Act 1985. The application relates to service charges payable under leases of numbers 107C and 107E Malvern Road, London NW6. The Applicant is the in-house agent for the freehold owner of both flats.
2. The premises comprise two semi-detached houses which have been converted into 6 flats. The houses are two storeys with basements.
3. In late 2006, one of the residents reported sewage leaking into the lightwell to the front of the basement flat at number 107. The Applicant engaged contractors Waterflow Group Plc to investigate. They discovered what appeared to be a collapsed drain. The Applicant's area office was notified on 30 January 2006.
4. On 31 January the Applicant obtained tenders for repairs to the drain from two contractors. Both tenders were in the sum of £2,500 plus VAT. On the same date the Applicant wrote to the lessees to inform them that the repairs were to take place and that an application would be made to the Tribunal to dispense with consultation requirements. The letter did not specify the cost of the

works, but stated that details of the tender costs were available from the Applicant's surveyor.

5. The Applicant engaged O'Brien Bros contractors to carry out the works. Temporary repairs were carried out immediately. The remedial works are to be completed within the next seven days and it is not anticipated any additional costs will be incurred.
6. The application to dispense with consultation requirements was made on 9 February 2006. The lessee of Flat 107C (Mr Anim) has written to say he has no objection to waiving the consultation requirements. The Tribunal was informed at the hearing that the lessee of 107E (Mrs Grant) has been told of the costs and she has told the Applicant's surveyor she has no objection.
7. A hearing took place on 22 March 2006. The Applicant appeared by a Senior Leasehold Management Officer. (Mrs Sheila McArthur) and a surveyor (Mr Mike Moran). The Respondents did not attend.
8. In this instance the relevant consultation requirements are those specified by Part 2 Schedule 4 of the Service Charges (Consultation Requirements) (England) Regulations 2003. No notice of intention has been given under paragraph 1 of Part 2 of the Schedule. No statement specify the estimated cost of works was served in accordance with paragraph 4(5) of Part 2 the Schedule. No consultation period was allowed. No notice of the contract was given as provided by paragraph 6 of Part 2 of the Schedule.
9. The Tribunal is satisfied that it is reasonable to dispose with the consultation requirements in this instance. The reasons are:
 - (a) The urgency and nature of the proposed works. The qualifying works are to remedy sewage entering the lightwell to the front of one of the basement flats with obvious danger to health and safety.
 - (b) The cost of the proposed works is relatively modest - £2,500 plus VAT. There is no suggestion this cost will increase substantially.
 - (c) The Applicant has taken reasonable steps to inform the lessees of the nature of the works - namely the letters of 31 January 2006.
 - (d) No objection has been made to the application by either lessee. One lessee has formally agreed to dispense with the consultation requirements and the other has done so informally.
 - (e) The application was made promptly by the Applicant rather than retrospectively.
 - (f) Two estimates for the works were obtained by the Applicant.

Chairman



Date

23. III. 06

JG