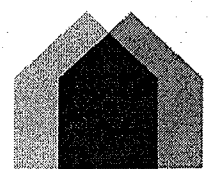


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LON/00AW/LDC/2006/0032



**Residential
Property
TRIBUNAL SERVICE**

**DECISION BY THE RESIDENTIAL PROPERTY TRIBUNAL SERVICE IN
THE LEASEHOLD VALUATION TRIBUNAL LONDON RENT
ASSESSMENT PANEL
LANDLORD AND TENANT ACT 1985 Section 20ZA**

Applicant: Harvey White Properties Ltd

Represented by: Juliet Bellis & Co Solicitors

Respondent: Joint Leaseholds

Represented by:

The Tribunal: Mr. G F Bowden. TD, MA FRICS; Mr. Reed FRICS

Date of Hearing: 25th July 2006

Date of Decision: 25th July 2006

BRISTOL HOUSE, 67 LOWER LOANE STREET, SW1

1. This was an Application under the provision of Section 20ZA of the Landlord and Tenant Act 1985 as amended (hereinafter referred to as "the 1985 Act").
2. The Applicant was Harvey White Properties, who are the Landlords of Bristol House, 67 Lower Sloane Street, SW1W 8RB (the subject property), which is a development with five commercial units at street level, and 40 residential flats above.
3. Major works of repair and redecoration to the external elevation to the subject property commenced on 14 November 2005. After the scaffolding had been erected and works commenced it was discovered that the condition of the "egg-box" render was in a worse state than originally thought, it was in fact in an unsafe condition. The scope of the works had to be amended and a second Section 20 Notice was issued. The original Section 20 Notice related; to redecoration, the second Section 20 Notice covered "Additional concrete repairs and replacement of rendering".
4. This second Section 20 Notice was issued on 2 May 2006 and is running in parallel with this Application.
5. The Applicant stated that full consultation had taken place in respect of the original works, but a Notice of Intention only in respect of new works had been issued. The Landlords Managing Agents, Messrs Haywards, are to hold a meeting with lessees to apprise them of the need for the new works that must be undertaken as a matter of urgency.
6. The Applicant however seeks dispensation under Section 20ZA of the Act, for several reasons:-
 - (i) Financial – to delay works pending a full consultation would increase costs by some £60,000;
 - (ii) Building Integrity – to try to avoid water penetration to the subject property the building must be sheeted in plastic. There is no guarantee that this would effectively stop all water penetration;
 - (iii) Tenants' convenience and comfort the encasing of the building in plastic sheeting throughout the whole of the summer period pending full consultation, would cause inconvenience and discomfort to occupants;
 - (iv) Health and safety – the present condition of the fabric constitutes a hazard from falling debris it will remain so until the concrete rendered replacement has been carried out.

7. A Pre-Trial Review was held out on 19 June 2006. When Directions were issued. The case was scheduled for a "paper track" decision. The Directions required that the Respondent-lessees should respond in writing by 30 June 2006 indicating whether they consented to the Application, or opposed it, and whether they agreed to a determination on the basis of paper representations only.
8. Some 18 responses were received, all of which consented to the Application. These responses were before the Tribunal.
9. The Tribunal carefully considered the documentary evidence before them which included the revised specification of works to be undertaken, and the costs to be incurred. They also took note of the Applicants Statement of Case (10 July 2006) by Charles Delevingne, a director of the company. They took particular note of paragraph 13 which stated "The Residents' Association, run by a number of the Respondents has been consulted and have requested that the works be undertaken immediately to avoid incurring unnecessary additional cost".
10. The only substantive issue on which the Tribunal had to decide was whether or not it is reasonable to dispense with the consultation requirements imposed by Section 20 of the Act in relation to the proposed additional works.
11. It was no part of the Tribunal deliberation to decide whether or not the additional work is reasonably incurred, or that the work is reasonable as to standard or cost.
12. In the light of the evidence before them, and conscious of the scope of their statutory responsibilities in this instance, the Tribunal accepted that it was reasonable to dispense with the consultation requirements under Section 70 of the Act, the determined accordingly.

Chairman

Caerwyn Bowen

Date

25 July 2006

JG