

# **LEASEHOLD VALUATION TRIBUNAL**

## **In the matter of an application under Section 20ZA of the Landlord & Tenant Act 1985 ("the Act")**

**Case No. CHI/OOHN/LDC/2008/0004**

### **RE: 5 RICHMOND PARK AVENUE BOURNEMOUTH DORSET BH8 8DL**

Landlord ("the Applicant")	Tyrrell Investments Inc	
Tenants ("the Respondents")	Flat 1:	Mr & Mrs W Sanderson
	Flat 2:	Mr A H Ghahrai
	Flat 3:	Mr M J Vincent & Miss S Lockwood
	Flat 4:	Mr & Mrs M Orlov
	Flat 5:	Mr J Moran

#### **1.0 General**

- 1.1 By an application received by the Tribunal on the 24<sup>th</sup> January 2008, the Applicant applied under Section 20ZA for a dispensation from the consultation requirements of the Act.
- 1.2 On the 25<sup>th</sup> January 2008 the Tribunal issued Directions and set a date for the Hearing on the 27<sup>th</sup> February 2008.

#### **2.0 Inspection**

- 2.1 On the 27<sup>th</sup> February 2008 the Tribunal inspected the property in the presence of Gail Quinton and Jenny Stuart of Napiers Management Services Limited, representing the applicant. None of the respondents were present.
- 2.2 The Tribunal found the property to be in generally good condition externally and clean and tidy in the common parts.
- 2.3 The position of the new communal electricity supply on the external wall and the positioning of the replacement light fittings and the new power point were identified.

#### **3.0 Hearing**

- 3.1 At 11.00 a.m. that morning a Hearing was held in the Disraeli room of the Royal Bath Hotel in Bournemouth.
- 3.2 In attendance were Gail Quinton and Jenny Smart of Napiers. None of the respondents were present.

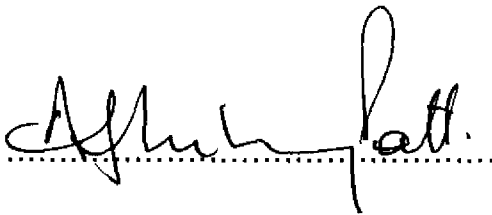
- 3.3 The Tribunal was shown a tender analysis report from Mr John Hill who had prepared the specification for the works, summarising the two quotations and recommending Beales Electrical Contracting Limited. No quotes had been received from two other contractors. There was, however a mistake in the report as the higher figure quoted by Wessex Electricals had been shown. The Managing Agents confirmed that they were proposing to instruct Beales Electrical Contracting Limited at £1,261.70 plus VAT.
- 3.4 The Managing Agents explained the background to the situation where, on the sale of Flat 3, it had been discovered that the communal electricity ran off the meter for that flat.
- 3.5 Following re-wiring of Flat 3, the common parts had been disconnected and there was no lighting to the stairs and halls. In view of the dangers that this posed, the applicant wished to proceed with the work without waiting for the consultation period.
- 3.6 The Managing Agents confirmed that the applicant was prepared to loan the monies for the work immediately so that there was no delay in collecting funds from the Lessees. If dispensation was granted it was the intention of the Managing Agents to instruct Beales immediately and issue Notice 2 to all Lessees.
- 3.7 It was confirmed that no comments had been received from Lessees following the issue of Notice 1 - Notice of the intention to carry out works.

#### **4.0 Consideration**

- 4.1 The Tribunal took account of :-
- (a) The dangers from lack of lighting.
  - (b) The comprehensive specification and the two quotations received.
  - (c) The lack of any objections from the Lessees following Notice 1 and their lack of attendance at the inspection and hearing.
  - (d) The assurance that the work was to be instructed immediately and that the applicant was to make a loan to pay for the work if the Lessees had not had time to pay their share.
- 4.2 The Tribunal decided that it was reasonable to dispense with the consultation requirements following Notice 2.

**5.0 Decision**

5.1 The Tribunal grants dispensation from the consultation requirements following Notice 2. This is subject to the provisos that Notice 2 and instructions to the recommended contractor are issued immediately.

Signed: 

**A J Mellery-Pratt FRICS  
(Chairman)**

Dated: 7<sup>th</sup> March 2008