

RESIDENTIAL PROPERTY TRIBUNAL SERVICE
SOUTHERN RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL



**Residential
Property**
TRIBUNAL SERVICE

CASE No: CHI/00HN/0024

BETWEEN :-

TYRELL INVESTMENTS INC

Applicant

and

Mr PA Brown
Laird NT Meczes
Mr Fenwick
Mr PT Windle
Mr BP Prior
Mr R and Mrs N Williams

Respondents

PREMISES: 13 Westby Road
Bournemouth
Dorset
BH5 1HA grants

TRIBUNAL: Mr H D Lederman
Mr PD Turner Powell FRICS
Mr PE Smith FRICS

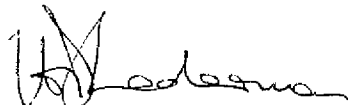
HEARING: 22nd September 2008

DECISION

1. The Tribunal is asked to give an order of dispensation under the provisions of section 20ZA of the Landlord & Tenant Act 1985 ("the 1985 Act") and under schedule 4 to the Service Charges (consultation etc) regulations 2003, ("the 2003 Regulations") on the ground that proposed roof works are urgent because rainwater is leaking into Flats 5 and 6 13 Westby Road Bournemouth ("the property").
2. The Tribunal has been provided with a copy of a specification prepared by John I Hill Quantity Surveyor dated 12th August 2008 for the proposed works.
3. The Tribunal has seen a tender analysis by John I Hill Quantity Surveyor dated 10th September 2008 for the proposed works. The

tender from the contractor AKT is reported to be £3650 plus VAT (inclusive of contingency).

4. The Tribunal is satisfied that some works to the roof of the property are urgent to address the problem of water ingress. The Tribunal accordingly makes an order dispensing with the following consultation requirements in part 2 of Schedule 4 to the 2003 Regulations in relation to some of the proposed works:
 - a) paragraph 3 (duty to have regard to observations in relation to proposed works)
 - b) paragraph 4 (estimates and response to observations); and
 - c) paragraph 5 (duty to have regard to observations in relation to estimates)
5. The Tribunal is not deciding that the proposed specification of works to the roof is necessarily appropriate to address the defects. The Tribunal has insufficient material to decide whether the works proposed in the specification will remedy the defects leading to the water ingress. In particulars the Tribunal does not have the benefit of any expert evidence addressing this issue.
6. The Tribunal is not deciding that the cost of any of the proposed works are or will be reasonably incurred or are or will be payable by the lessees under section 27A of the 1985 Act. These issues are not before the Tribunal.
7. The full reasons for this decision will be provided in a separate document.



Signed : Mr H D Lederman
Chairman

Dated: 22nd September 2008

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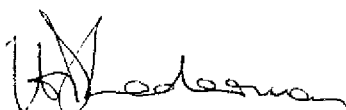
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