

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

LANDLORD AND TENANT ACT 1985 section 20ZA

LON/00AM/LDC/2008/0007

Address: Conrad House, Clifton Grove, E8 1DL

Applicant: LANDMARK HOUSING ASSOCIATION LIMITED

Respondents: All leaseholders in Conrad House

**Tribunal: Mr N. GERALD
Mr C. Kane FRICS**

Date of decision: 25th March 2008

**DECISION ON AN APPLICATION UNDER SECTION
20ZA OF THE LANDLORD AND TENANT ACT 1985**

Introduction

1. On 10th January 2008 the Applicant landlord Landmark Housing Association Limited applied for dispensation of the consultation requirements under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") in respect of repairs to the brickwork of Conrad House as detailed in Appendix A of the Application being a memorandum from Andrew Marsh to Adrian Shaw ("the Brickwork Repairs").
2. On 24th January 2008, the Tribunal gave directions for the determination of this Application to be dealt with on paper track unless a hearing is requested: no party has requested any hearing.
3. By letter dated 8th February 2008, thirteen of the fifteen Respondents confirmed that they (that is, the lessees of flats 26 to 35 inclusive and 37, 38 and 39) agreed to dispensation from the full consultation process in respect of the Brickwork Repairs. The other two Respondents (flats 25 and 36) have not responded.

The law

4. Section 20(1) of the Act provides that, where the section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with sub-sections (6) or (7) or both unless the consultation requirements have been either –
 - (a) complies within in relation to the works or agreement, or

(b) dispensed with in relation to the works or agreement by (or on appeal from) a Leasehold Valuation Tribunal.

5. Section 20ZA(1) of the act provides that, 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 agreement, the Tribunal may make an determination if satisfied that it is reasonable to dispense with the requirements.
6. Section 20ZA(2) defines "qualifying works" as "works on a building or any other premises" and "qualifying long term agreement" as (subject to sub-section (3) and agreement entered into, by or on behalf of a landlord or a superior landlord, for a term of more than 12 months.
7. Section 20(3) of the Act provides that section 20 applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount, defined by Regulation 6 of The Regulations, as an amount which results in the relevant contribution of any tenant being more than £250.
8. By Regulation 4 of the Regulations,, section 20 of the Act applies to a qualifying long term agreement if relevant costs incurred under the agreement in any accounting period exceed an amount which results in the relevant contribution of any tenant, in respect of that period, being more than £100.
9. Section 20ZA does not require a Tribunal to make any determination on the costs of the works or the proposed agreement.

The decision

10. The Tribunal is satisfied that it is reasonable to dispense with the consultation requirements of the Act in respect of the Brickwork Repairs because:
 - (a) the necessity to carry out the work comprised within the Brickwork Repairs has only become apparent during the course of existing works to the Premises which form part of the cyclical works (upon which there has been tenant-consultation);
 - (b) it would be cheaper and more cost-effective for the existing scaffolding erected to complete the original cyclical repairs were utilised to complete the Brickwork Repairs rather than for that scaffolding to be removed and then for new scaffolding to be erected to do the Brickwork Repairs;
 - (c) it would unnecessarily increase costs and extend the existing original cyclical repairs for a full section 20 consultation process to be implemented;
 - (d) the Respondents have been notified of the likely costs of the Brickwork Repairs; and

(e) it is in the interests of building security for all works to be completed as soon as possible without further extended periods of scaffolding.

A handwritten signature in black ink, appearing to be 'J. Hill', written in a cursive style.

Decision date: 25th March 2008