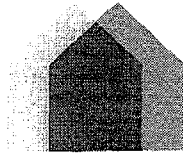


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**Residential  
Property**  
TRIBUNAL SERVICE

**LONDON RENT ASSESSMENT PANEL  
LEASEHOLD VALUATION TRIBUNAL**

**Case Reference: LON/00BK/LDC/2007/0060**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN  
APPLICATION UNDER SECTION 27ZA OF THE LANDLORD AND  
TENANT ACT 1985**

**Applicant:** Free Estates Limited

**Respondents:** As set out in the Schedule below

**Property:** Wythburn Court, 34 Seymour  
Place, London W1H 7NS

**Date of Application:** 29 October 2007

**Appearances for Applicant:** None

**Appearances for Respondent:** None

**Leasehold Valuation Tribunal:** Mr John Hewitt (Chairman)  
Mrs Alison Flynn MA., MRICS  
Mrs Tracey Downie MSc

**Date of Decision:** 17 January 2008

**Decision**

1. The Decision of the Tribunal is that:
  - 1.1 It is reasonable that the consultation procedures provided for in s20 of the Act be dispensed with in relation to the works proposed to be carried out at the Property concerning the

replacement of heating and hot water boilers more particularly detailed in the reports attached the letter from White Druce & Brown to the Tribunal dated 4 December 2007.

- 1.2 The findings of the Tribunal and the reasons for this decision are set out below.

### **Background**

2. The Property comprises a mansion block of some 17 apartments. The lessees collectively own the freehold of the block through the Applicant.
3. The Applicant has taken professional advice and has determined that the boilers require replacement as a matter of some urgency. Two quotations for the proposed works were obtained as follows:

|   |               |
|---|---------------|
| Hemlow Building Services<br>(Contingency £3,500 to allow for<br>any hazardous substances found) | £44,968 + VAT |
|---|---------------|

|                                     |               |
|-------------------------------------|---------------|
| The Clean Heat & Engineering Co Ltd | £50,754 + VAT |
|-------------------------------------|---------------|

4. The application was made on 29 October 2007. Directions were given on 15 November 2007 and sent to the Respondents. The Respondents were notified that the Tribunal proposed to determine the application without a hearing and informed that they were entitled to be separately represented and that they were entitled to request a hearing.
5. None of the Respondents has requested a hearing and none of them has submitted any representations on or objections to the application.

### **Findings and Reasons**

6. The Tribunal is satisfied that it is reasonable to dispense with all of the consultation requirements of s20 of the Act for the reasons set out below.
7. The Applicant and the Respondents are effectively one and the same because the Respondents control the Applicant and appoint its directors.
8. The application is not opposed by any of the Respondents.
9. The professional advice given to the Applicants strikes a chord with the experience and expertise of the members of the Tribunal.
10. The Applicant has taken two separate quotations for the proposed works.

11. The Tribunal accepts the Applicant's submissions that it wishes to proceed with the proposed works as a matter of urgency given the winter months having regard to the comfort of the lessees and the risks and consequences of a breakdown to the central heating and hot water boilers systems.



John Hewitt  
Chairman  
17 January 2008

### **The Schedule**

|         |                                   |
|---------|-----------------------------------|
| Flat 1  | Mr D Hood                         |
| Flat 2  | Mr G Mavrocostas                  |
| Flat 3  | Turcan Connell (Trustees) Limited |
| Flat 4  | E Gustafson & M Sabchez-Palencia  |
| Flat 5  | A F Said                          |
| Flat 6  | Mr D Weldon                       |
| Flat 7  | Mr & Mrs J Grainger               |
| Flat 8  | Seymour Properties                |
| Flat 9  | W & J Geissendorfer               |
| Flat 10 | Mr P Ashley                       |
| Flat 11 | Col Zafar Khan                    |
| Flat 12 | Mr & Mrs G Kleonakos              |
| Flat 14 | Mrs A Carroll                     |
| Flat 15 | Dr & Mrs J Hood                   |
| Flat 15 | Mrs K Nawas Sharif                |
| Flat 16 | Mr C Shamash                      |
| Flat 17 | Mr & Mrs R Harrison               |