

**NORTHERN RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL**

MAN/00CL/LDC/2007/0005

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

Applicant: Whitburn Hall Management Company Limited C/o
Kingston Property Services

Respondents: See attached schedule

Property Address: Whitburn Hall, Whitburn, Sunderland, SR6 7JQ

Date of Application: 27 November 2007

Date of Consideration: 10 January 2008

Members of the Leasehold Valuation Tribunal:

Mr. L Bennett (Chairman)
Mrs. E Thornton – Firkin (Valuer Member).

Date of Tribunal's Decision: 10 January 2008

The application

1. On 27 November 2007 the Applicant management company, a party to the lease of the property applied to the Leasehold Valuation Tribunal under section 20ZA of the Landlord and Tenant Act 1985 for dispensation from compliance with the consultation requirements contained in section 20 of that Act and in Part 2 of Schedule 4 of the Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987). The completed application form asked for the application to be dealt with on the fast track and as a matter of urgency.
2. The Respondents to the application are the respective tenants of the flats at the Property. The Tribunal was supplied with a copy of the lease of Flat F11 by way of example of the leases on which the flats are held. The leases are stated to be in common form.

The leases

3. Clause 9(a) of the lease contains a covenant by the Applicant to “maintain repair and redecorate....the roof, main structure....lifts, lift shafts....
4. Clause 7 of the lease contains a covenant by the Lessee to pay a service charge being a proportion of costs, expenses, outgoings and matters actually disbursed incurred or made by the Management Company....

The ground for the application

5. The qualifying works required are to the lift in the centre block of the development. The Lift is out of order and has been since mid September. The lift maintenance contractor has advised a new controller and associated equipment is required including trailing cables, rewire, tape head and shaft equipment as per quotation. The cost is in excess of the £250.00 per property however the works are set to commence on 4 December 2007 as emergency, elderly people reside in this block. The landlord sought dispensation from compliance with section 20.

Directions

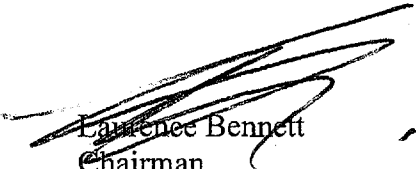
6. On 3 December 2007 the Tribunal chair issued directions which included that the matter should be dealt with on written submissions alone without an oral hearing unless within 14 days of the Directions any party requested a hearing. No such request was received.

The submissions

7. The Applicant relied on a report and estimate from the lift company. The report and quotation was circulated to all flat owners with a letter dated 27 September 2007, which referred to the two competitive quotations and recommended one in the sum of £15,114 plus VAT
8. The Tribunal was not given details of any response by a flat owner.

The decision

9. Having read all the documentation supplied by the Applicant the Tribunal is satisfied, in accordance with section 20ZA(1) of the Landlord and Tenant Act 1985 that it is reasonable to dispense with the consultation requirements, specified by section 20 of that Act and by Part 2 of Schedule 4 of the Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987), in respect of the proposed lift works to the subject premises. The Tribunal accordingly determines that compliance with the consultation requirements is dispensed with.



Laurence Bennett
Chairman

10 January 2008