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

LON/00AH/LDC/2010/0048

Premises: 271 Holmesdale Road
London
SE25 6PR

Applicant: Gala Properties Limited

Respondents / Tenants:

Mr J Burgess	Flat 1
Ms S Bernard	Flat 2
Ms J Beverland	Flat 3
Mr J Featherstone-Harvey & Ms A Sansom	Flat 4

Date of Determination: 9th June 2010

Members of Tribunal: Ms F Dickie, Barrister (Chairman)
Mr T Sennett, MA FCIEH
Ms J Dalal

PRELIMINARY

1. The Applicant landlord seeks dispensation from some or all of the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985. The application was received on 7th May 2010 and directions were issued by the Tribunal on 10th May 2010 and copied to all the Respondent leaseholders. The Tribunal has received written confirmation from the leaseholders of flats 2, 3 and 4 that they support

the application by the Landlord. There has been no response to the application from the leaseholder of flat 1.

2. The parties having received 28 days notice of the Tribunal's intention to determine this matter without a hearing, no party has requested an oral hearing and the Tribunal has determined this matter on papers. The Tribunal has not carried out an inspection of the premises, understood to be a semi detached Victorian house converted into 4 flats.

THE EVIDENCE

3. The Applicant seeks dispensation from the statutory consultation requirements in respect of emergency roofing repairs to include relining of lead valley gutters, repairs and new flashings to the party wall upstairs and chimney stacks, repairs and replacement of loose, missing and defective tiles. The Applicant asserts that the roof is currently leaking and causing damage to the 2 top floor flats (flats 3 and 4) and that repairs are required within a few weeks at most. The Applicant explains that flat 3 is let and flat 4 is being refurbished for letting and that the respective leaseholders have requested urgent repairs to avoid loss of rental income and further damage to the fabric of the building.
4. The Applicant has instructed Dr B MacEvoy as agent, and a Specification of Works has been prepared after a surveyor's inspection and put out to tender to 3 contractors, including 1 nominated by a leaseholder. Only 2 tenders have been returned and the Applicant wishes to appoint Garland Contracts Ltd (the leaseholder-nominated contractor) who submitted the lower tender and estimated the works would take 2-3 weeks. The Application to the Tribunal included this tender and was served on all of the Respondents. The projected costs are the tender price of £8,625.00, surveyor's fees of 10% and management charges of 5%, plus VAT. The Applicant submits that if full consultation were carried out temporary "tin hat" scaffolding would be required at prohibitive cost of about £3000.

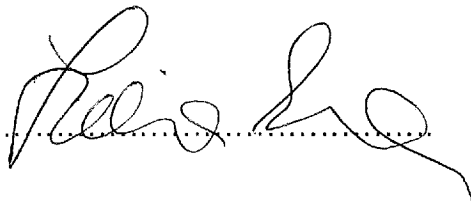
DETERMINATION

5. Section 20ZA of the Landlord and Tenant Act 1985 provides.
 - (1) Where an application is made to the 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 the determination if satisfied that it is reasonable to dispense with the requirements.
6. It does not appear that any statutory consultation notices under s.20 of the Act have been issued to the Respondents. The fact that a contractor has been put forward by one of the leaseholders implies however that

some informal consultation has been carried out. They are aware of the specification of works and the outcome of the tendering process.

7. Having considered the evidence the Tribunal is satisfied that the condition of the roof represents a risk to health and safety, and to damage to the building, the flats and/or personal property therein. The full statutory consultation procedure could be estimated to take about 3 months. On the basis of undisputed evidence from the Applicant the Tribunal is satisfied that there would be further damage and significant costs to the leaseholders occasioned by postponing the works pending completion of that consultation period. Works are required urgently. There is no evidence before the Tribunal that the Tenants would be prejudiced by dispensation with the consultation requirements and the Tribunal is satisfied that they would not.
8. In all the circumstances the Tribunal considers it is reasonable to grant the application and to dispense with all further consultation under the Act. It should be noted by the parties that this determination does not affect the right of the Lessees under s.27A of the Act to challenge the payability or reasonableness of the cost of the works to be recovered under the service charge provisions of their leases.

Signed:



Chairman

Dated: 9th June 2010