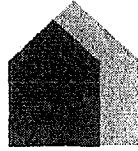


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Residential
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**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL
ON AN APPLICATION UNDER SECTION 20ZA
LANDLORD AND TENANT ACT 1985**

(Ref: LON/00AQ/LDC/2010/0035)

Premises:	Dingles Court 554 – 555 Uxbridge Road Pinner Middlesex HA5 3RT
Applicant:	Home Group Limited
Respondents:	The tenants of the 27 flats at Dingles Court
Date of Determination:	18 May 2010
Tribunal: Chairman:	Ms F Dickie, Barrister Mr R Humphrys, FRICS Mrs J Clark, JP

DECISION

INTRODUCTION

1. The Applicant seeks dispensation for some or all of the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985. The application was made on 30 March 2010.
2. The premises are a purpose built block of flats constructed 25 years ago. The application is for dispensation from the statutory consultation requirements in respect of lift repairs said to be urgent. It is the Applicant's case that the lift has been subject to a number of breakdowns in the last year and that following numerous such occurrences a full structural inspection was sought from Apollo Lift Company, its maintenance partner, who advised replacement of the existing controlling system. The Applicant explains that breakdowns are ongoing and regular and have included entrapments. The price for Apollo Lifts to carry out these repairs is £19,554 plus VAT and the Applicant wishes to action these works as soon as possible. It considers the lengthy Section 20 consultation procedure to be inappropriate and that dispensation from its requirements would be in the welfare interest of the residents at Dingles Court.
3. The Applicant has provided a copy of a letter dated 24 March 2010 sent to all the residents in Dingles Court advising that Apollo had been asked to carry out a full survey on the lift condition and recommend a way forward to alleviate further breakdowns. A summary of the works recommended by Apollo were included together with the cost estimate. The leaseholders were advised of the Applicant's intention to seek dispensation from the statutory consultation requirements from the Tribunal. The letter also asserts that Apollo Lifts have said they are unable to put the lift into service whilst waiting for repair as the parts required to do this are obsolete and are no longer available. No other quotations for the proposed works have been provided to the Tribunal.
4. Directions were issued by the Tribunal on 8 April 2010 and since no party has requested an oral hearing the Tribunal has determined this matter on the papers.

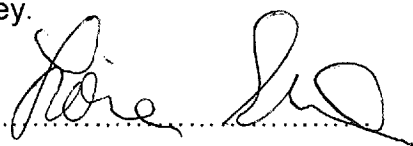
DETERMINATION

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. The Tribunal is satisfied that notice of the application has been given to all the Respondents, who were also served with a copy of the Tribunal's Directions under cover of the letter from the Tribunal dated 12 April 2010. The Tribunal is not aware of any objections having been received from any of the Respondents to this application.
7. In the absence of any dispute raised by the tenants of the premises the Tribunal is satisfied that there is a recent and repeated history of breakdowns to this lift and that repairs are therefore urgently required. Future such breakdowns are likely to cause substantial inconvenience for tenants and the Tribunal is persuaded that the relatively lengthy statutory consultation procedure is inappropriate in the circumstances of this case.
8. The Tribunal considers that it is reasonable in all the circumstances to dispense with statutory consultation so that works can be shortly commenced to ensure that the lift is reliable in the long term. The application is therefore granted. However, nothing in this determination affects the right of any leaseholder subsequently to seek a determination from the Tribunal as to the reasonableness of the costs of the lift repairs. In particular the Tribunal observes that the landlord has not sought to obtain any comparative quotation for the works in order to ensure that the tenants are receiving value for money. By virtue of S.19 of the Landlord and Tenant Act 1985 the landlord is only able to recover through the service charge the reasonable cost of works undertaken. The landlord may therefore at this stage wish to consider whether it would be prudent to obtain alternative quotation(s) in order to make sure and be in a position to demonstrate that the costs incurred are indeed reasonable and the tenants are getting value for money.

Signed:

A handwritten signature in black ink, appearing to be 'A. J. ...', written over a dotted line.

Dated: 18 May 2010