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Residential
Property
TRIBUNAL SERVICE

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

LANDLORD AND TENANT ACT 1985 SECTION 20ZA

LON/00AW/LDC/2010/0032

Property: 12 Earl's Court Road, London W8 6HB
Applicant: Timgron Properties Ltd.
Respondent: The tenants at 12 Earl's Court Road aforesaid
The Tribunal: Adrian Jack, Chairman; Sarah Redmond MRICS


1. This is an application by the landlord for dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 in respect of major works at the property in connection with the lift
2. The Tribunal gave directions which provided for the matter to be determined on paper in the week commencing 26th April 2010. None of the tenants has responded to the application.
3. The premises comprise a four storey block of twelve flats. There is a lift serving the upper storeys.
4. The landlord has produced evidence that the lift has been repeatedly breaking down and requires extensive works if it is to be made safe. The lift is currently out of service, because the lift engineers have

advised that in its current condition (even with emergency repairs) it is dangerous with a risk of fatal injury if it is put into service.

5. The tenants, as we have noted above, have not disputed the landlord's case. In these circumstances, we find that there is urgency in making the lift repairs.
6. Normally a landlord carrying out major works is required to carry out a consultation in accordance with the provisions of section 20 of the Landlord and Tenant Act 1985. In the current case we have no hesitation in saying that carrying a full section 20 consultation would take far too long: the lift needs a major refit urgently. The landlord has carried out some limited consultation and that in our judgment (coupled with the tenants' ability to make representations to this Tribunal on the current application) is sufficient properly to protect the tenants' position.
7. The Tribunal makes no determination as to the reasonableness of the cost of the work. Accordingly the tenants, if they have any complaint about the cost or standard of the work, can in due course apply to the Tribunal for those matters to be determined.
8. In the mean time, however, the Tribunal dispenses with the consultation requirements.
9. No party made any requests in respect of costs and accordingly the Tribunal makes no order in respect of costs.

DECISION

The Tribunal pursuant to section 20ZA of the Landlord and Tenant Act 1985 grants the landlord a dispensation from the requirements of section 20 of the said Act in respect of the proposed works to the lift at the property.



Adrian Jack, Chairman
26th April 2010