

5056

REF LON 00AW/LDC/2010/0042

IN THE LEASEHOLD VALUATION TRIBUNAL

IN THE-MATTER OF THE LANDLORD AND TENANT ACT 1985
SECTION 20ZA

AND IN THE MATTER OF 1-2 BRAMHAM GARDENS LONDON
SW5 0JQ

Applicants

Bramham Gardens 1 and 2
Residents Co Limited

Represented by

Mr S Village MRICS Surveyor
Mr Starkey Property Manager
Mr J Channing Head of Property
Management of Farrars
Managing Agents

Respondent

The Lessees of 1-2 Bramham
Gardens London SW5 0JQ

The Tribunal

Mr P Leighton LLB (Hons)
Mrs J Davies FRICS

Hearing Date

6th May 2010

Date of Decision

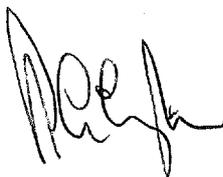
6th May 2010

Introduction

- 1 By an application dated 16th April 2010 the Applicants applied under Section 20ZA of the Landlord and Tenant Act 1985 ("the Act") to the Tribunal for a dispensation from the provisions of Section 20 of the Act in respect of roof works to the premises at 1-2 Bramham Gardens Earls Court London SW5 0JQ ("the block")
- 2 Directions were given on 26th April 2010 and the matter came before the Tribunal on 6th May 2010 when Mr Village, Mr Starkey and Mr Channing of Farrars property managers appeared on behalf of the Applicant. No leaseholder had raised an objection and none appeared at the hearing to oppose the application
- 3 The block is one of three managed by the agents and consists of 12 flats in an end of terrace mansion block in Earls Court
- 4 The agents who manage all three blocks, Farrars, were arranging for necessary maintenance and refurbishment on each of the blocks. 5-6 and 3-4 have been completed and work is in progress on the subject block by a firm of contractors Lead Tech Limited.
- 5 The tender sum for the works on the subject block was £117,000 and there was full compliance with Section 20 consultation and acceptance by all the leaseholders in the block. The Tribunal was informed that all of them had in fact paid the initial contribution demanded.
- 6 In the original specification Mr Village had estimated. For a limited amount of work to the roof based on a visual inspection from ground level. This only afforded a limited view particularly of the mansard area and after scaffolding had been erected Mr Village went on to the roof and observed that further works needed to be carried out to the box gutters and replacement of the mansard roofs at the front of the building. This was confirmed by the fact that a resident in the top floor flat had complained of leaking to her flat.

- 7 In the light of that inspection Mr Village prepared a further specification and obtained quotations from the existing builders Lead Tech and another quotation from M G Building contractors Limited Unsurprisingly the second quotation was considerably higher than that from Lead Tech which was accepted in the sum of £17,260 which together with fees and VAT amounts to a total of £22,612.76
- 8 The leaseholders were notified of the proposed arrangement and of the application. Apart from Mr Cavaleri one of the leaseholders in the block, no representations were received. The questions raised by Mr Cavaleri as to the effect on the completion of the contract and the date for the additional payment were answered by the Applicant's managers and Mr Cavaleri has not objected to the course proposed.
- 9 The works are due to be completed by the end of June and payment of the additional sums which vary from £775 to £2754 will be required from the leaseholders after the approval of the final certificate.
- 10 On the evidence supplied to the tribunal and in the light of no objection from the leaseholders the Tribunal is satisfied that it was reasonable for the Applicant to proceed with the work which the contractors were on sight, that the works were necessary, that consultations took place as far as possible and that Applicant made reasonable attempts to obtain alternative quotations.
- 11 The Tribunal is satisfied therefore that this is a proper case for which dispensation from the provisions of Stage 2 of the consultation requirements should be granted.

Chairman Peter Leighton



Date 6th May 2010