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RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON RENT
ASSESSMENT PANEL**

CASE NUMBER: LON/00AZ/LDC/2010/0061

**IN THE MATTER OF SECTION 20ZA LANDLORD AND TENANT ACT 1985
(AS AMENDED)**

and

IN THE MATTER OF FLAT A 16 BLACKHEATH RISE LONDON SE13 7PN

**Parties : London Borough of Lewisham Applicant
Mr J Moy and Mr T Moy Respondents**

Date of Application: 28th June 2010

Date of Directions : 1st July 2010

Date of Determination: 18th August 2010

**Tribunal Members : Mr A A Dutton (Chairman)
Mr R Humphrys FRICS**

Date of Decision : 24th August 2010

DECISION

The Tribunal determines that the consultation requirements under Section 20 of the Landlord and Tenant Act 1985 ("the Act") may be dispensed with in accordance with Section 20ZA of the Act, the Tribunal being satisfied that it is reasonable to dispense with those requirements.

REASONS

A. BACKGROUND

1. This application was made by the London Borough of Lewisham for dispensation under Section 20ZA of the Landlord & Tenant Act 1985 ("the Act") in respect of works to be carried out at the property, 16 Blackheath Rise, London SE13 7PN.
2. On the 1st July Directions were issued which state as follows:-
 - "2. *In the 2010/2011 financial year the Applicant proposes to carry out works as part of its cyclical external decorations envelope programme to comply with its maintenance and repair covenants. The works will include repair to external brickwork, the roof and guttering, overhaul and repair of the windows and general decoration of the external parts of the building. A notice of intent was sent to all affected leaseholders on the 5th March 2010.*
 3. *Originally, the subject property was not planned to be within the programme, so a notice of intent was not served on the Respondents. However, the Respondents have specifically requested that their property be included in the programme and the Applicant has agreed to do so, with the Respondents apparently agreeing to accept limited consultation on their part and the current application for formal dispensation from the consultation requirements.*
 4. *In the light of the above it is considered that the case should be dealt with at any early hearing and that a pre-trial review is not necessary. The only issue for the Tribunal is whether or not it is*

reasonable to dispense with the consultation requirements.
This application does not concern the issue of whether any service charge costs will be reasonable or indeed payable.

3. The directions went on to confirm the matter could be dealt with by way of a paper determination.
4. In the papers before us we had a statement from Mr James Granshaw, a Paralegal employed by Lewisham Homes, the managing agents. This confirmed the matters set out in the directions which we have referred to above. It included a copy of the application and, in particular, a copy letter to the Respondents dated the 13th April 2010 with an emailed reply from Mr Jeremy Moy dated the 12th May 2010, which states:-

"Dear Mr Townsend, following our phone conversation regarding envelope repairs to the above property, I am happy to waive the Stage 1 Section 20 Notice. Jeremy Moy."

On the 18th June 2010 a further email is enclosed which sends a copy of the application for dispensation to Mr Moy.

5. Included with the papers before us was the invitation to tender, the project brief, schedule of rates, tender report and other items.
6. The Applicant considered it was reasonable to dispense with the consultation requirements because:-
 - a) The Respondents had expressed their wish to be included within the programme. It should be noted that there are three flats in the property, two of which appear to be council tenancies and the one leasehold property owned by Messrs J and T Moy.
 - c) The statement from Mr Granshaw also went to say that if dispensation was not granted, the works would have to fall into another programme which would delay matters.
 - d) The Applicant was of the view that it was reasonable and economical to include this property in the larger programme and would, in the view of Mr Granshaw, represent good practice, customer service and value for money, as it would avoid duplication of certain costs.

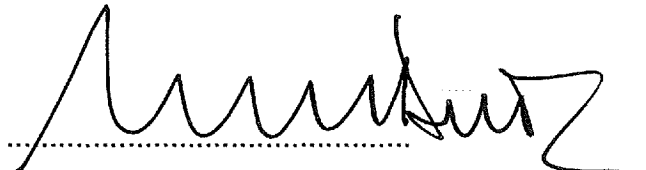
B. THE LAW

7. The law relating to this application is to be found at Section 20ZA of the Act under the heading Consultation Requirements: Supplementary. Sub-section 1 states as follows:-

Where an application is made to a 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.

C. FINDINGS

8. We have considered the documentation and in the light of the statement of Mr Granshaw and the consent from the Respondents we conclude that it would be reasonable in the circumstances to dispense with the consultation requirements. It appears from the paperwork provided to us that there has been transparency on the part of the local authority insofar as costings and that no prejudice will be caused to the Respondents in their consent to the dispensation of these requirements. We must, however, make it clear that in so dispensing this does not in any way inhibit the Respondents from making an application under Section 27A of the Act if they believe that the costs or the works are unreasonable.



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ANDREW A DUTTON

Dated..... 24th August 2010