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Residential
Property
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL
LANDLORD AND TENANT ACT 1985**

LON/00BK/LDC/2010/0070

Premises: Westside Court
Elgin Avenue
London W9 2NP

Applicants: Mr & Mrs M Young

Represented by: Mr Young in person
Mr A Cowan, senior property manager, Integrity
Property Management Ltd

Respondents: The lessees of the residential flats in the property

Tribunal: Mr NK Nicol
Mr T Sennett

Date of Hearing: 13/10/10

Date of Decision: 13/10/10

REASONS FOR DETERMINATION

1. The Applicants have applied for dispensation under s.20ZA of the Landlord and Tenant Act 1985 from the statutory consultation requirements under s.20 of the same Act. While carrying out a major works programme to the subject property, asbestos was found to be present in some of the roof tiles. The Applicants decided that they needed to get specialist contractors to remove the asbestos and replace the tiles at a total approximate cost of £20,830.24. They also decided that they could not wait until the consultation process had been completed because that would delay the whole programme at an approximate cost of £1,100 per week. Therefore, they went ahead with the works without going through the statutory consultation process.
2. The Tribunal directed that the application should be provided to all the lessees. The Applicant sent the relevant documentation to each lessee by e-mail, all of them being able to receive information this way. The Tribunal is satisfied that this direction has now been complied with. None of the lessees has chosen to make any representations to either the Tribunal or direct to the Applicant.
3. The roof in question is a mansard roof. The Applicant's surveyor, Richard David FRICS of Building Surveying Solutions, originally surveyed it in 2009. However, he did not have full access to the tiles on the mansard area and the only tile tested was found not to contain asbestos. After the scaffolding went up, he expressed concern about some of the tiles which could now be seen close up and they turned out to contain asbestos. The asbestos survey, carried out by 4Site Consulting Ltd, put the risk as relatively low but Mr David was concerned that the scheduled works to strip the asphalt covered lead capping to the dormers would disturb the relevant tiles. He strongly recommended the asbestos removal works and the Applicants accepted his expert recommendation.
4. The need for the asbestos works only became apparent after the major works programme had commenced and delaying that programme to allow for consultation would not have been proportionate or reasonable. Therefore, the Tribunal is satisfied that it is reasonable to dispense with the statutory consultation requirements in this case.

Chairman N.K. Nisal

Date 13th October 2010