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**Residential
Property
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**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

Landlord and Tenant Act 1985 – Section 20ZA

LON/00BA/LDC/2011/0087

Property : **Flats 14 – 33 Fairgreen Court,
London Road, Mitcham CR4 3NA**

Applicant : **Belgarum Property Management Limited (1)
Freehold Managers Plc (2)
C.G. Land Limited (3)**

Respondents : **The Leaseholders of
Flats 14 to 33 Fairgreen Court, London Road,
Mitcham CR4 3NA**

Date of Application: **5 September 2011**
Date of Determination: **21 November 2011**
Date of Decision : **28 November 2011**

Tribunal : **Mr John Hewitt** **Chairman**
Mr Peter Roberts **Dip Arch RIBA**
Mr Leslie Packer

DECISION

Decision

1. The decision of the Tribunal is that it finds it reasonable that the Applicant shall not be required to comply with any further consultation requirements in relation to the proposed roof replacement the subject matter of this application and as referred to in Notice of Intention dated 20 October 2010 and Notice of Estimates dated 14 February 2011.

The background

2. The Applicants have made an application for dispensation of the requirements to consult leaseholders regarding proposed works to replace the roof covering to the subject premises.
3. The premises consist of 20 flats situated on the 2 upper floors of a mixed use residential/commercial development.
4. The leases impose an obligation on the landlord to repair the block and an obligation on the tenant to contribute to the costs incurred by the landlord in doing so.
5. By notice dated 14 February 2011 the landlord sought to comply with stage 2 of the consultation requirements citing 18 March 2011 as the date for submission of written observations. Three responses were received: one related to Phipps Roofing guarantee being 10 years, one insisting that works to the door entry system were to be undertaken before the roofing works and one leaseholder indicated a preference for the most expensive roofing company.
6. The subject application was made on 5 September 2011. Directions were issued on 8 September 2011. In compliance with directions (amended 11 October 2011) the Applicant says that the Respondents have been notified of the application by letter dated 11 October 2011 inviting any leaseholder to respond to the Tribunal no later than 4

November 2011. The Tribunal has not received any responses from any of the Respondents.

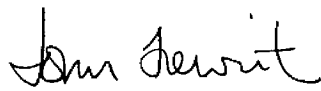
7. The Managing Agent, Belgarum Property Management Ltd, considered the existing flat roof to be at the end of its useful life, that it had leaked in a number of places over the past years and that it was no longer possible to make effective repairs. Initially 3 estimates were obtained and that of A.Wells, Building/Roofing Services, dated 23 January 2010 in the sum of £19,576.85 excluding VAT was selected, being the lowest quotation, with the intention of a contract being placed to carry out the works.
8. A further notice to the leaseholders dated 29 March 2011 was served on the Respondents with a payment application invoice for the additional service charge for the proposed works in advance of placing the order and funds have been collected from the Respondents.
9. However on enquiry it became apparent early in August 2011 that A. Wells was no longer able to stand by his quotation as he was no longer able to offer a hot bitumen option and the cost of materials had also risen prohibitively.
A new contractor was sourced for the same specification, who was available to start immediately and for around the same price. A copy of an estimate from Barry Sandwell, The Complete Roofing Specialist, dated 29 July 2011 in the sum of £18,950 excluding VAT was provided. Now that funds are available to proceed with the work; the Applicant sought dispensation to the remaining consultation requirements so that a contract could be placed shortly.

Findings and Reasons

10. We are satisfied that the Applicant has taken a reasonable, practical and pragmatic approach to the proposed works. The Applicant has sought to comply with a good deal of the consultation requirements, but

wishes to hasten the process to place a contract shortly. The Respondents do not object.

11. We are simply determining that there should be dispensation with the remainder of the consultation requirements; we are not making any findings as to whether the scope of the works is reasonable or whether the estimated cost of the works is reasonable. Those matters are still open and may be subject to challenge at the appropriate time.



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John Hewitt

Chairman

28 November 2011