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**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION
UNDER SECTION 20ZA OF THE LANDLORD AND TENANT ACT 1985**

Case Reference: LON/00AM/LDC/2012/0070

Premises: 176-178 Southgate Road, London N1 3HU

Applicant(s): Ebbdyne Ltd

Representative: Mr G Faiman

Respondent(s):
(1) Mr D Jovanovic (176A)
(2) Ms D Schlukebier (176B)
(3) Mr P Akkemans (176C)
(4) Ms D McGlashen (178A)
(5) Ms J Atkinson (178B)

Representative: N/A

Date of hearing: N/A

**Appearance for
Applicant(s):** N/A

**Appearance for
Respondent(s):** N/A

**Leasehold Valuation
Tribunal:** Ms L Smith (Lawyer chair)
Mr P Roberts, DipArch, RIBA

Date of decision: 23 July 2012

Decisions of the Tribunal

In accordance with the provisions of s20ZA of The Landlord and Tenant Act 1985 ("LTA 1985"), the Tribunal dispenses with the formal consultation requirements of s20 LTA 1985.

The application

1. The Applicant seeks a dispensation from the consultation requirements of s20 LTA 1985 in relation to works to the roof of a property at 176-178 Southgate Road, London N1 3HU ("the Property"). The Applicant is the Lessor of the Property. The Respondents are the Lessees of the Property.
2. The Applicant indicated in the application that it was content for the case to be dealt with on the papers. Directions were given on 22 June 2012 inviting the Respondents to indicate within 14 days of the directions if they required an oral hearing. A response was received from the Lessees of flat numbers 176A, 178A and 178B. The Lessee of flat number 176A (Mr Jovanovic) indicated that he required a hearing at which he would attend but then, confusingly, indicated also that he was content for the Tribunal to determine the application on the papers. The Lessees of flat numbers 178A and 178B who both consented to the application were content for the Tribunal to decide the application on the papers. In light of the unclear response from Mr Jovanovic, the Tribunal has reached a determination on a provisional basis granting the dispensation sought but the determination will not become final if Mr Jovanovic attends the hearing fixed by the Tribunal in the directions order for 10am on Thursday 26 July. Neither party requested an inspection and the Tribunal did not consider that one was necessary.

The background

3. The Property is described in the application as two established semi-detached houses converted into 5 flats.
4. The works in relation to which dispensation is sought are repairs to the roof of the Property ("the Works"). A complaint of water ingress to 176B was reported by the Lessee in early June.
5. On 15 June 2012, the Applicant sent to the Respondents a notice under s20 notifying its intention to carry out the Works. The relevant period under that notice would not have expired until 15 July 2012. It does not appear that any objections or observations were made by the Respondents. The Applicant made its application to the Tribunal on 20 June 2012. In light of the urgency, on 4 July 2012 (within the 30 day period for consultation), the Applicant gave the Respondents notice that it intended to enter into a contract with Grove Roofing Contractors who had submitted the lower of 2 quotations for the Works in the sum of £3780.

The issues

6. The Applicant seeks a dispensation from the consultation requirements of s20 in relation to the Works on the basis that water is entering flat 176B and the matter is therefore urgent.

7. As noted above, Mr Jovanovic who is the Lessee of flat 176A has objected to the application but has not given any indication of the reasons for his objection (and has indicated that he does not propose to make written representations to the Tribunal). The Lessees of flats 178A and 178B have both consented to the application. The Tribunal accepts that it is reasonable to dispense with the formal consultation requirements so far as it is necessary to do so in order that the Works can start as soon as possible. Accordingly, the Tribunal grants the dispensation as requested.
8. For the avoidance of doubt, the only issue for the Tribunal to determine on this occasion is whether it is reasonable to grant the dispensation sought in relation to consultation. This determination does not prevent any later application in relation to the Respondents' liability to pay for the Works under the Lease nor in relation to the reasonableness of the costs of the Works.

Chairman:



Ms L Smith

Date:

23 July 2012