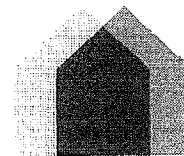




**HM Courts  
& Tribunals  
Service**



**Residential  
Property  
TRIBUNAL SERVICE**

**London Rent Assessment Panel  
Leasehold Valuation Tribunal**

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

**Case Reference: LON/00AQ/LDC/2012/0077**

**Premises: Various Blocks in Beatty Road, Stanmore HA7**

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**Applicant : London Borough of Harrow**  
**Representative : LBH Legal Governance Services**

**Respondents : The Leaseholders named in the Schedule  
attached to the Application Form**  
**Representative : None**

**Date of Application: 11 July 2012**

**Date of Determination: 10 September 2012**

**Leasehold Valuation Tribunal : Mr John Hewitt Chairman  
Mr Neil Martindale FRICS**

**Decisions of the Tribunal**

1. The Tribunal determines it is reasonable to dispense with the consultation requirements set out in section 20 of the Act in respect of asbestos removal works the subject of an invoice issued by A.R.C.S. Environmental Limited and dated 21 July 2012 in the sum of £13,740 [63] carried out by the Applicant.

**NB** Reference in this Decision to a number in square brackets ([ ]) is a reference to the page number of the hearing file provided to us for use at the hearing.

### **The Application**

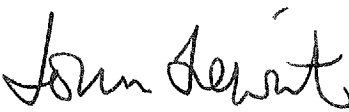
2. This application concerns 7 blocks of self-contained flats owned and let by the Applicant (the Council). Several of those flats are let on long leases which were granted pursuant to the Right to Buy provisions of the Housing Act 1985. Those leases are now vested in the respective Respondents.
3. On 11 July 2012 the Tribunal received an application pursuant to section 20ZA of the Act in relation to works then proposed to be carried out concerning the removal of asbestos from parts of the common service areas in the blocks.
4. Directions were given on 13 July 2012. The parties were notified that the Tribunal proposed to determine the application on the papers and without an oral hearing pursuant to Regulation 13. The parties were further notified that in the absence of a request for a hearing the application would be determined during week commencing 10 September 2012. The Tribunal has not received any request for a hearing.
5. The directions required the Council to send copies of the application, the directions and its statement of case to the Respondents. The Respondents were to serve a statement of case in answer by 17 August 2012. The Council has stated that it has complied with the directions and that none of the Respondents has served a statement of case.
6. The Tribunal has received a trial bundle from the Council containing the documents it relies upon.

### **The qualifying works**

7. There are comprehensive documents submitted by the Council. The gist of its case is that during the course of an asbestos survey, asbestos was found in some of the service risers in the blocks which gave rise to different levels of risk, very low, low and medium. The decision was taken to deal with the asbestos identified as being of medium risk as soon as possible on an emergency basis and without carrying out any consultation. The extent of the works are described in reports appended to the Council's statement of case [96 et seq].
8. Two estimates for the works were obtained. The estimate of the preferred contractor was the lower of the two [63].

### **Reasons**

9. In the light of the background to this matter we find that it was within the range of a response of a landlord acting reasonably for the Council to proceed and carry out the works fairly promptly. However, it could have made some effort at some level of consultation with the Respondents and provided information to them. Nevertheless we are satisfied that the Respondents have suffered no or no material prejudice.
  
10. We are satisfied that two estimates were obtained and the contract placed with the contractor who bid the lowest. In making this observation we wish it to be clear that in arriving at our decision we are not making any determination that the scope of works was reasonable or that the costs of works was reasonable in amount. These matters are open to challenge by the Respondents in due course if they wish to do so.

Chairman:   
\_\_\_\_\_  
John Hewitt

Date: 10 September 2012