

7753



**LONDON RENT ASSESSMENT PANEL**

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

<b>Case Reference:</b>	LON 00AW/LDC/2011/0134
<b>Premises:</b>	Hornton Court Hornton Street London W8 7RT
<b>Applicant(s):</b>	Hornton Court Services Limited
<b>Representative:</b>	RMG
<b>Respondent(s):</b>	Leaseholders of Hornton Court (see list attached )
<b>Representative:</b>	Not appearing
<b>Date of Determination:</b>	28 <sup>th</sup> February 2012
<b>Leasehold Valuation Tribunal:</b>	P L Leighton LLB (Hons)

**DECISION**

**Introduction**

- 1 By an application dated twentieth December 2011 the applicant landlord applied to the tribunal for an order under section 20ZA of the Landlord and Tenant Act 1985 dispensing with the consultation provisions of section 20 of the Act
- 2 Directions were given on fourth January 2012 and the application was allocated to the paper track for determination in the week commencing 27th of February 2012

- 3 Copies of the directions were sent to each of the respondent leaseholders who were invited to respond by 18<sup>th</sup> January 2012 if they wished to oppose the application. To date none of the leaseholders as objecting and the matter has proceeded as an unopposed application.

### **The Facts**

- 4 On 11<sup>th</sup> November 2011 the residential porter discovered a leaking stopcock which was located directly above the electrical mains intake to the building located in the basement. The pipe was made of lead and was embedded in a riser containing asbestos which had previously been encapsulated .
- 5 Thames Water confirmed that it was necessary to replace the pipe In order to replace the pipe the asbestos has to be removed. A temporary repair might have failed and there was then a risk that the in which case water might have landed on the electrical mains junction box
- 6 The Applicants have obtained an estimate of works from Cuffe plc who are carrying out the interior redecoration works. The cost of removal of the asbestosis £17,020.00 and the total cost of the works is in the region of £24,600 exclusive of VAT
- 7 A mail merge letter was sent to the leaseholder on 20<sup>th</sup> December informing them of what was required. There was no proper Section 20 notice and the leaseholders were not given the opportunity of nominating an alternative contractor for the works or to received the second notice with details of tenders which is contrary to the Service Charge (Consultation Requirements) Regulations 2003("the 2003 regulations)
- 8 The building is a mansion block consisting of 24 apartments so that each lessee is likely to be presented with a cost of contribution of just over £1,000

### **The Tribunal's Decision**

- 9 The tribunal is satisfied on the available evidence that the agents took all reasonable steps to deal with what was an emergency situation. They also endeavoured as far as possible to keep the leaseholders informed

about works and the likely cost. It is to be noted that the cost of works is likely to be reduced by virtue of the fact that the Applicants have employed the contractors who were already on site carrying out interior redecoration works

10 In the circumstances the tribunal considers both that the agents acted reasonably and that no leaseholder was prejudiced as a result of the action taken, which was of considerable benefit to the leaseholder of flat 16 who had been suffering considerably from the fact of water ingress. The tribunal has therefore decided to grant dispensation under section 20ZA as requested.

Chairman            Peter Leighton  
Date                 28<sup>th</sup> February 2012