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LONDON RENT ASSESSMENT PANEL

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL APPLICATION
UNDER S.20ZA OF LANDLORD AND TENANT ACT 1985**

Case Reference: LON/00AW/LDC/2012/0057
Premises: 50 Lennox Gardens, London SE1X 0DJ

Applicant: 50 Lennox Gardens Ltd.

Representative: Aspect Property Management

Respondents: The leaseholders of the 4 flats at 50 Lennox Gardens, London SE1X 0DJ

Leasehold Valuation Tribunal: Ms F Dickie
Mr T Powell

Date of Determination: 9 July 2012

Summary of Determination

The Application is granted.

Preliminary

- 1) The Applicant landlord seeks dispensation from some or all of the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985. The application was received on 24 May 2012 and directions were issued by the Tribunal on 25 May 2012 and copied to all the Respondent leaseholders. The Tribunal has received written confirmation from the leaseholder of Flat C that she supports the application. There has been no response to the application from the remaining leaseholders.
- 2) The parties having received 28 days notice of the Tribunal's intention to determine this matter without a hearing, no party has requested an oral hearing and the Tribunal has determined this matter on papers. The Tribunal has not carried out an inspection of the premises, understood to be a purpose built block of four flats with common parts.

Evidence

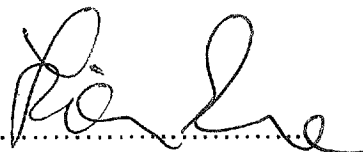
- 3) The Applicant is a resident owned company and seeks dispensation from the statutory consultation requirements in respect of work to rewire the lights in the common parts of the premises. The Applicant states that the works are urgently required as there are serious safety issues with the lighting and statutory consultation cannot therefore take place. The lighting does not work and it is dangerous to walk through the common parts at night.
- 4) In a letter to the tenants relied on as the Applicant' s statement of case it has been explained that over the past few weeks there have been some issues regarding the safety of the lights in the common parts relating to faulty timing switches and the lack of earthing at ground floor level. Bulbs have been burning out quickly. A site meeting took place on 16 May 2012 with an electrician and the lighting is not considered to be safe. Winters Electrical Services Limited are to commence the works immediately at a cost of £4250 plus VAT and this estimated price was advised to the leaseholders.
- 5) The estimate has been provided to the tribunal and is for rewiring the lights, emergency lights and time lag switches to all common parts with associated making good.

Determination

- 6) Section 20ZA of the Landlord and Tenant Act 1985 provides.
 - (1) Where an application is made to the Leasehold Valuation Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long-term agreement, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
- 7) Having considered the undisputed evidence the Tribunal is satisfied that statutory consultation is inappropriate since the wiring to the lighting in the common parts urgently requires replacement for safety reasons. There is no evidence before the Tribunal that the Tenants would be prejudiced by dispensation with the consultation requirements and the Tribunal is satisfied that they would not.

- 8) In all the circumstances the Tribunal therefore considers it is reasonable to grant the application and to dispense with all consultation under the Act in respect of works to rewire the lights, emergency lights and time lag switches to all common parts with associated making good.
- 9) It should be noted by the parties that this determination does not affect the right of the leaseholders under s.27A of the Act to challenge the payability or reasonableness of the cost of the works to be recovered under the service charge provisions of their leases.

Signed



9 July 2012

Ms F Dickie, Chairman