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**H M COURTS & TRIBUNALS SERVICE
LEASEHOLD VALUATION TRIBUNAL**

Case Reference: LON/00BK/LDC/2012/0021

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON
APPLICATIONS UNDER SECTION 20ZA OF THE LANDLORD & TENANT
ACT 1985**

Applicant: Audley Court (London) Ltd.
Respondents: The Lessees
Property: Audley Court, 32-34 Hill Street, London, W1J 5NP
Date of Application: 7 March 2012
Date of Determination: 23 April 2012

Leasehold Valuation Tribunal
Mr I Mohabir LLB (Hons)
Mr P Casey MRICS

Introduction

1. This is an application made by the Applicant landlord under section 20ZA of the Landlord and Tenant Act 1985 (as amended) (“the Act”) to dispense with all/some of the consultation requirements imposed by section 20 of the Act and the Service Charge (Consultation Requirements) (England) Regulations 2003.
2. This application relates to the 16 flats at Audley Court, 32-34 Hill Street, London, W1J 5NP (“the property”) and is in relation to a proposal to install a water softening system in order to prevent damage to the boiler, which provides hot water to the block. The works have been authorised by the Directors and are virtually complete. At least some of the lessees are members of the landlord company.
3. Directions were given in this matter on 13 March 2012. These required the Applicant to serve on each lessee a copy of the application together with a copy of any written advice received from the specialist companies which advised that the work be carried out and a copy of the Directions giving them until 30 March 2012 to write to the Tribunal advising that they either consented to or opposed the application. The Directions also provided for anyone wishing for an oral hearing to make such a request.
4. Only 1 of the leaseholders has written and they indicated their agreement to the order sought though the Applicant’s managing agents had confirmed to the Tribunal that all relevant documents had been served on the Respondents by 16 March 2012.

The Law

5. Section 20ZA of the Act provides the Tribunal with a discretion to dispense with the statutory consultation requirements imposed by section 20 of the Act and the Regulations where it is reasonable to do so having regard to all the circumstances.

Decision

6. The determination of this matter took place on 23 April 2012. The Tribunal did not inspect the property.

7. The Tribunal is satisfied on the papers submitted that this is an appropriate case to dispense with all of the consultation requirements on the basis that it is completely unopposed by the lessees who will have to bear the cost of the proposed works and the Applicant has been advised by two specialist companies that they had to urgently arrange for a water softener otherwise the boilers would continue to malfunction and would again need descaling. Accordingly, the Tribunal grants the dispensation sought under section 20ZA of the Act.

Dated the 23 day of April 2012

CHAIRMAN..... I. Mohabir

Mr I Mohabir LLB (Hons)