

**HM COURTS & TRIBUNALS SERVICE  
LEASEHOLD VALUATION TRIBUNAL**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL  
OF THE NORTHERN RENT ASSESSMENT PANEL**

**LANDLORD AND TENANT ACT 1985**

**Section 20ZA**

**Property:** Apartments 1-7, Eckington Hall, Sheffield S20 5EQ

**Applicant:** Eckington Hall Flats Ltd

**Respondents:** Leaseholders of the Apartments at the Property

**Tribunal:** L J Bennett (Chairman)  
Alan Robertson

**Date of Determination:** 3 September 2012

**Application**

1. The Applicant applies to the Tribunal under Section 20ZA of Landlord and Tenant Act 1985 (the Act) for dispensation from the consultation requirements of Section 20 of the Act and in the Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987) in respect of roof repairs to the Property.
2. The Respondents are individual Leaseholders of Apartments at the Property.

**Grounds and Submissions**

3. The application was received by the Tribunal on 25 July 2012. The Respondents are listed in a schedule to the application acknowledged by the Tribunal.
4. On 3 August 2012 a Vice President of the Tribunal as Procedural Chair, made directions which provided that in the absence of a request by any party for an oral hearing the application would be determined without a hearing. Neither the Applicant nor a Respondent requested a hearing.
5. The Property is described in the application form as a converted hall of stone constructions with a pitched roof comprising seven apartments with an old clock tower.
6. The Applicant stated in the application form: "Water ingress is occurring to Apartment 5 via a fault in the roof. The actual cause of the problem is unknown until further investigative work is carried out. There is an urgent need to address the problem and carry out any remedial works in order to stop further damage and

an increase in repair costs. The only way access to the roof can be gained safely is through the aid of scaffolding."

7. Further information provided within the form includes that a preliminary inspection advised that a further investigation is required from height and until then the full extent of the problem is not known. "As essential maintenance works are required we are in the first process of the Section 20 letter ..... as the contribution for any one Leaseholder exceeds the £250 threshold ..... we wish to apply for special dispensation in order to reduce further risk of damage to the building and to try and limit the consequential damage and remedial costs."
8. The Application states: "Once the scaffolding is up the roof contractor will be able to diagnose the cause of water ingress and provide a schedule of costs ..... we have a contractor who is trusted and approved to carry out the works and wish to also dispense of the need to obtain all three quotes to have the work carried out as soon as possible."
9. None of the Respondent Leaseholders has responded in compliance with directions.
10. The Tribunal convened without the parties to make its determination on 3 September 2012.

## Law

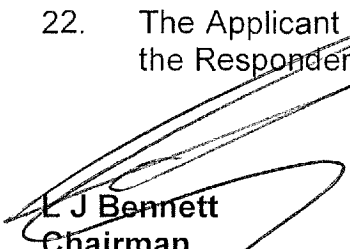
11. Section 18 of the Act defines "service charge" and "relevant costs".
12. Section 19 of the Act limits the amount payable by the lessees to the extent that the charges are reasonably incurred.
13. Section 20 of the Act states:-  
**"Limitation of service charges: consultation requirements**  
 Where this Section applies to any qualifying works..... the relevant contributions of tenants are limited..... Unless the consultation requirements have either:-  
 a. complied with in relation to the works or  
 b. dispensed with in relation to the works by ..... a leasehold valuation tribunal.  
 This Section applies to qualifying works, if relevant costs incurred on carrying out the works exceed an appropriate amount".
14. "The appropriate amount" is defined by regulation 6 of The Service Charges (Consultation Requirements) (England) Regulations 2003 (the Regulations) as "..... an amount which results in the relevant contribution of any tenant being more than £250.00."
15. Section 20ZA(1) of the Act states:-  
 "Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works ..... the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements."

## Tribunal's Conclusions with Reasons

16. We considered the written evidence accompanying the application.
- Our conclusions are:-
17. It is not necessary for us to consider at this stage whether an allowable service charge would result from the works within the terms of the Leaseholders' leases. If and when such is demanded and if disputed, it may properly be the subject of a future application to the Tribunal.
18. We accept from the nature of the works that it is necessary for them to commence without delay. They clearly impact on the health, safety and comfort of occupiers and preservation of the Property.
19. We note the Applicant's agents intend to start upon a form of consultation to give notice of their intentions but do not find this a persuasive factor in our decision; a partial process cannot satisfy the statutory requirements.
20. We conclude it reasonable in accordance with Section 20ZA(1) of the Act to dispense with the consultation requirements, specified in Section 20 and contained in Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987), in respect of the proposed works.
21. Nothing in this determination or order shall preclude consideration of whether the Applicant may recover by way of service charge from the Respondent Leaseholders any or all of the cost of the works undertaken should a reference be received under Section 27A of the Landlord and Tenant Act 1985.

## Order

22. The Applicant is dispensed from complying with the consultation requirements with the Respondent Leaseholders in respect of the works referred to in the application.



**L J Bennett**  
Chairman  
3 September 2012