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LONDON RENT ASSESSMENT PANEL

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

Case Reference:	LON/OOAW/LDC/2013/0002
Premises:	59-75 ONSLOW SQUARE LONDON SW7 3LS
Hearing	Paper decision on 11th March 2013

Applicant:	59-75(ODD) ONSLOW SQUARE FREEHOLD LTD
Represented by	Douglas & Gordon
Respondent;	THE LEASEHOLDERS OF THE 28 FLATS IN 59-75 ONSLOW SQUARE
Leasehold Valuation Tribunal:	Mrs T Rabin Mr R Humphrys

Date of Decision: 11th March 2013

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BACKGROUND

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985¹ ("the Act") from the consultation requirements imposed by S.20 of the Act
2. The Application was made by 59-75 (odd) Onslow Square Freehold Ltd ("the Applicant"), who is the freeholder of 59-75 Onslow Square SW7 3LS ("the Building") and the Respondents are the long leaseholders of the flats in the Building.
3. The works ("the Works") for which the Applicant sought a dispensation of the consultation requirements were to repair the crack that had developed on an internal wall between two flats.
4. The Applicant seeks dispensation from the full consultation with the Respondents in accordance with Section 20ZA of the Act. The dispensation is sought because the Applicant's surveyor recommended that the stitching of the affected wall should be undertaken immediately where it has opened up internally. Immediate action is necessary. External additional stiffening works will be undertaken later and are not the subject of this application.
5. A copy of the application as served on all the Respondents. Directions were given on 8th January 2013 that the report from Lawson Martin & Partners, structural engineers should be lodged with the Tribunal and served on each of the Respondent's by 25th January 2013. Each Respondent was directed to write to the Tribunal and the Applicant saying whether they consented to or opposed the application and the grounds upon which the objected.
6. The Tribunal has received a number of communications from the Respondents none of whom and any objection to the works which had been undertaken in June 2012. The cost of the works was £4,375 plus VAT.

DECISION

7. The Tribunal can only make a determination to dispense with the consultation procedure if it is satisfied that it is reasonable to do so. The purpose of the procedure under Section 20 of the Act is to ensure that the long leaseholders do not suffer any prejudice when they are asked to pay for works that cost in excess of the sum of £250 per flat. The legislation recognises that there may be instances of urgency where the lengthy consultation process, designed to give the long leaseholders full information about the works to be undertaken and to enable them to make

¹ See Service Charges (Consultation Requirements) (England) Regulations 2003 (SI2003/1987)

comments and propose a contactor to be asked to quote, cannot be followed and that is the reason for the dispensation provisions under Section 20ZA.

8. The Tribunal recognises that the stitching works were urgent for maintaining the structural integrity of the Building and that in the circumstances on the advice of the structural engineer the works should have been completed urgently. .
9. The Tribunal found that the Applicant informed the Respondents of the problems and served them with a copy of the structural engineer report. The Tribunal determines that it would be reasonable in all the circumstances for the consultation requirements of Section 20 of the Act to be dispensed with in accordance with Section 20 ZA of the Act (as amended).
10. This dispensation does not relate to the further external works required and due to be undertaken later this year.
11. The parties should be aware that the Tribunal has not considered the reasonableness of or the liability of the Respondents to pay the cost of the works, but has limited its decision to whether it would be reasonable for the consultation provisions to be dispensed with and that the Tribunal's decision is limited to those matters.



T I RABIN
11th March 2013