

8537.



HM Courts
& Tribunals
Service



Residential
Property
TRIBUNAL SERVICE

LONDON RENT ASSESSMENT PANEL

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN
APPLICATION UNDER SECTION 27A OF LANDLORD AND TENANT ACT
1985**

Case Reference: LON/00BG/LDC/2012/0157

Premises: 50 Roman Road London E2 0LT

Applicant: Fifty Roman Road Freehold Limited

Representative: Royds LLP Solicitors (re: LH-FIF2-1)

Respondents: The leaseholders listed in the application

Representative: Not applicable

Date of hearing: 9th January 2013

Appearance for Applicant: Gemma de Cordova of Counsel

Appearance for Respondents: Not applicable

Leasehold Valuation Tribunal: Ms N Hawkes
Mrs H Bowers BSc (Econ) MRICS MSc

Date of decision: 9th January 2013

The application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") that it is reasonable to dispense with the statutory consultation requirements pursuant to

section 20 of the 1985 Act in respect of the emergency repair work to a lift described in the Applicant's application dated 19th December 2012.

2. No written submissions in opposition to the application have been received from any of the Respondents none of the Respondents attended the hearing.
3. Section 20ZA of the 1985 Act is set out in the Appendix to this decision.

The background

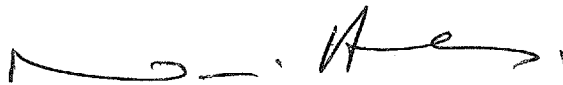
4. The property which is the subject of this application is a fourteen storey block containing 58 flats with two lifts. Each lift serves alternate floors.
5. In accordance with an ongoing maintenance programme, the Applicant obtained a quotation for the refurbishment of the lifts on 4th October 2012 from Amalgamated Lifts Limited, with a view to starting the statutory consultation process this year.
6. The Applicant stated that, before the commencement of the consultation process, the main motor of the right hand lift burnt out and that this lift is currently out of occupation. This means that seven floors are without the use of a functioning lift.
7. The Applicant explained that, in any event, the remaining functioning lift is old (both lifts date from the 1960s) and that the additional strain placed on the only functioning lift may cause it to fail leaving the block with no lifts in operation. The occupants of the block include some residents who are elderly and infirm and some residents with children and it is the Applicant's case that the current situation is untenable.
8. The Applicant seeks dispensation from the consultation requirements in respect of emergency repair work to the right hand lift which is described in an email dated 11th December 2012 from Amalgamated Lifts Limited attached to its application. In this email, Amalgamated Lifts Limited state that their charge for the proposed work would be £36,840 plus VAT. The Applicant explained that this work can be incorporated into any future work carried out to the lifts in order to make best use of this expenditure.
9. The Applicant confirmed that, by letters dated 21st December 2012 sent to each leaseholder by special delivery by its managing agents, copies of the Tribunals' directions and the Applicant's application (including attached email correspondence from Amalgamated Lifts Limited describing the proposed emergency work) were sent to each of the Respondents. Duplicate copies of the relevant documentation were

also sent to each of the Respondents by the Applicant's solicitors on 21st December 2012, by ordinary post.

10. Eighteen of the fifty-eight leaseholders have written to the Tribunal confirming that they support the landlord's application for dispensation. As stated above, none of the leaseholders attended the hearing or filed any written submissions in opposition to the application.

The Tribunal's decision

11. Having considered the documentary evidence supplied by the Applicant and the oral submissions made at the hearing, the Tribunal determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of the emergency work described in the Applicant's application of 19th December 2012.
12. This decision does not concern the issue of whether any service charge costs will be reasonable or payable.



N Hawkes

Chairman: _____

Date: 9.1.13

Appendix of relevant legislation

Landlord and Tenant Act 1985 Section 20ZA

(1) 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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

(2) In section 20 and this section—
“qualifying works” means works on a building or any other premises, and
“qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

(3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—
(a) if it is an agreement of a description prescribed by the regulations, or
(b) in any circumstances so prescribed.

(4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—
(a) to provide details of proposed works or agreements to tenants or the recognised tenants' association representing them,
(b) to obtain estimates for proposed works or agreements,
(c) to invite tenants or the recognised tenants' association to propose the names of persons from whom the landlord should try to obtain other estimates,
(d) to have regard to observations made by tenants or the recognised tenants' association in relation to proposed works or agreements and estimates, and
(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—
(a) may make provision generally or only in relation to specific cases, and
(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.