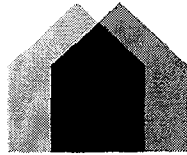


1998



**Residential
Property**
TRIBUNAL SERVICE

**IN THE LEASEHOLD VALUATION TRIBUNAL
COMMONHOLD AND LEASEHOLD REFORM ACT 2002**

LANDLORD AND TENANT ACT 1985 SECTION 20ZA

Ref: LON/00AW/LDC/2005/0042

Property: 6 & 7 Vicarage Gate, London, W8 4HH

Applicant: Farrar Property Management

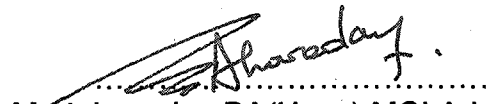
Respondents: Various lessees of 6 & 7 Vicarage Gate, London, W8 4HH

Reasons

1. This is an application under section 20ZA of the Landlord and Tenant Act 1985 for dispensation from consultation requirements in respect of qualifying works. The application by the landlord dated 3 October 2005 relates to the costs of installing a communal satellite television system to a block of flats at 6 & 7 Vicarage Gate, Kensington, London W8. The cost of the works is estimated at approximately £8,149. On 12 January 2006 the Tribunal directed that the matter was to be dealt with on the standard track without a hearing.
2. The Tribunal has been shown emails and other confirmation that the lessees of 15 of the 17 flats involved either agree with or have co-operated with the proposals. The Tribunal has not received any objections from lessees to the application.
3. The facts can be dealt with briefly. The freehold owners of the premises is a company called 6/7 Vicarage Gate Ltd. The applicants are their agents. On 16 August 2005 the applicants gave a notice of intention to carry out major external works to the premises under paragraph 1 of Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003. A specification was prepared and tenders sought. On 4 February 2005 the applicants served a landlord's contract statement under paragraph 1 of Part 2 of Schedule 4 to the Act giving notice that Enhurst Ltd was to be selected as contractor and that the estimated cost of works would be

£196,680.10. This estimate included a General Contingency provision of £20,000.

4. By a notice under paragraph 5 of Part 2 of Schedule 4 to the regulations dated 29 March 2005 the Applicant gave notice of a proposed contract with Enhurst Ltd. Works commenced in about May 2005.
5. During the course of the works, Mr, Mike Miller of the surveyors Steven Scanlan LLP advised that there a number of unauthorised satellite dishes on the roof of the building and that it was desirable to remove these installations on health and safety grounds. He advised that they be replaced with a single communal satellite TV system serving all of the flats.
6. By emails to each lessee dated 7 July 2005, 20 September 2005 and 18 January 2006, one of the lessees circulated details of the proposals to the other lessees, including details of the cost and timescale. It was proposed to complete the works whilst scaffolding was still in place for the major works. The cost was to be included in the contingency of £20,000 referred to above. It was believed that a substantial saving would be achieved if the satellite TV system was installed whilst the scaffolding was still in place.
7. The Tribunal considers it is reasonable to dispense with the consultation requirements. The applicant has complied with the regulations in relation to the major works. There is likely to be a considerable cost saving to the respondents by carrying out these works before the scaffolding is struck. The applicants have a high degree of agreement to the works. No one appears to be opposed. The sums involved are modest compared to the total cost of works. Following the consultation procedure in the 2003 regulations would lead to greater cost and delay.


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Mark Loveday BA(Hons) MCI Arb
28 February 2006