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MAN/00BU/LDC/2006/0004

LEASEHOLD VALUATION TRIBUNAL  
OF THE  
NORTHERN RENT ASSESSMENT COMMITTEE

DECISION OF THE LEASEHOLD VALUATION TRIBUNAL

LANDLORD AND TENANT ACT 1985  
SECTION 20ZA

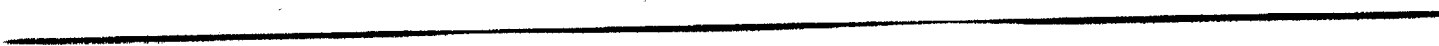
Property: Flats Nos. 1 and 2, 72 Derbyshire Road, Sale M33 3EL  
Applicant: Trafford Housing Trust  
Respondents: Mr Geoffrey Ogden (Flat 1) and Mrs V Gilbert (Flat 2)  
Tribunal: Mrs E Thornton-Firkin (Chairman)  
Mr M Davey

**DECISION of the TRIBUNAL**

The Tribunal grants dispensation from the consultation requirements of Section 20 of the Landlord and Tenant Act 1985 with regard to the works of repairs to the roof required to make it waterproof.

**Application and Preliminary**

1. The Lessor, Trafford Housing Trust, applied to the Tribunal on 17 October 2006 asking for dispensation from the consultation requirements of Section 20 of the Landlord and Tenant Act 1985. The application stated that the roof covering was failing and allowing rainwater to penetrate into the roof void. It also stated that the Trust would write to the leaseholders informing them of the urgent needs for the works and their cost.



2. The Tribunal responded to the application giving directions that it would deal with the application on paper on 27 November 2006 unless any party asked for a hearing before that date.
3. In the directions to the Trust, it was asked to provide details of the estimates received, its administration charge and the lessor's letter informing the leaseholders of the urgent need for the work.

### **Lease Terms**

4. The lease dated 2 September 1921 between Trafford Borough Council and Hilda and Victoria Ann Stringer stated that the Council covenanted with the purchaser to keep in repair the structure and the exterior of the building and to make good any defects affecting that structure (clause 5).
5. The lease stated the lessee will pay a reasonable part of the costs incurred or to be incurred in carrying out repairs within the repairing obligations under clause 5 save such repairs as amount to the making good of structural defects except those already notified in the fourth schedule. The fourth schedule listed the structural defects including "roof requires retiling and replacement of roof drainage".

### **Law**

6. The relevant law is to be found in the Landlord and Tenant Act 1985. Section 18 of the Act defines "service charge" and "relevant costs".
7. Section 19 of the Act limits the amount payable by the lessees to the extent that the charges are reasonably incurred.
8. Section 20 of the Act reads as follows:-

***"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"*

9. "The appropriate amount" is defined by regulation 6 of The Service Charges (Consultation Requirements) (England) Regulations 2003 as ".....an amount which results in the relevant contribution of any tenant being more than £250.00".

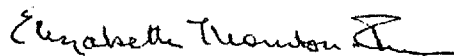


### **Submission**

10. Following the directions, the lessor provided the Tribunal with the estimates received for the works to be carried out including the estimate the Trust proposed to accept. A copy of the letter dated 4 October 2006 sent to the lessees informing them of the necessary work and the quotation to be accepted was also enclosed. No details of the administration charge were included with the submission.
11. The lessees did not respond to the directions issued.

### **Decision**

12. The Tribunal considered that the lessor was acting properly in applying for a dispensation considering the urgent nature of the proposed works. The Tribunal granted dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985.



Mrs E Thornton-Firkin  
Chairman  
27 November 2006

