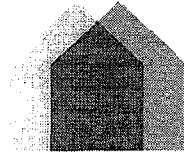


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Residential
Property
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
DETERMINATION BY LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

Landlord and Tenant Act 1985 Section 20ZA

LON/OOAG/LDC/2007/0033

Premises: 47 Crowndale Road, London NW1 1TN
Applicant: London Borough of Camden
Respondents: Mr P M Cameron
Mr D S Compton
Tribunal: Mr J C Avery BSc FRICS
Ms M Krisko BSc FRICS

Preliminary

- A. On 1 June 2007 the Tribunal received an application for dispensation of all or any of the consultation requirement contained in s20 of the Landlord and Tenant Act 1985 in respect of works to the building that had been carried out as an emergency in March and April 2007 at a cost of £13,630. This cost falls to be reimbursed by the Respondents under the service charge provisions of their two leases. On 8 June 2007 the Tribunal issued Directions which included the requirement that both parties should submit their cases in writing and proposing that the matter be determined without an oral hearing. Both parties agreed that the application be determined on the basis of paper submissions.
- B. The premises are two flats converted from a terrace house, one on the ground and lower ground and one on the upper two floors. The original building has in the past been extended at the back, resulting in a three story section with flat roof and a single storey section at the lower ground level. The roof surface of this extension is a patio area accessed from the upper ground floor.
- C. The work carried out, for which the dispensation is requested, was to remove the slab construction of the roof of the single storey section and replace it with steel beams and a new flat roof and decking.

Decision

- D. The Tribunal considered the papers on 14 August 2007 and, for the following reasons, **determined that the consultation requirements in s20 of the Landlord and Tenant Act 1985 should be dispensed with.** This decision makes no determination as to the reasonableness of the cost, the standard of work, or the Respondents' liabilities.

The Law

- E. Section 20 of the Landlord and Tenant Act 1985 requires that service charges be limited to £250 per flat unless certain consultation requirements have been complied with. Section 20ZA of the Act (as amended by the Commonhold and Leasehold Reform Act 2002) provides that a leasehold valuation tribunal may dispense with those requirements if satisfied that it is reasonable to do so.

Background/Reasons

1. On 31 January 2007 an inspection of the ceiling of the bathroom at lower ground level revealed structural faults in the slab construction. The ceiling was temporarily made safe but the room was unusable.
2. In February 2007 Consultant Engineers recommended remedial works and, because the Applicant considered the problem to be a risk to health and safety, the work was commissioned as quickly as possible, with time for only limited consultation with the lessees. On 13 March the tenants were advised of the problem and of the estimated cost, and the contractor was instructed on the same day.
3. The work was completed and signed off on 19 April 2007.
4. At no stage did the Respondents make any representations to the Applicant and did not make any submissions to the Tribunal.
5. From the information submitted by the Applicant, including the report of the Consultant Engineers, Ellis and Moore, it is clear that the defects discovered were of a serious nature and, once revealed, it was essential that repairs be carried out without delay.
6. It appears to the Tribunal that it is reasonable to dispense with the consultation requirements and **determines that those requirements be dispensed with.** This decision makes no determination as to the reasonableness of the cost, the standard of work, or the Respondents' liabilities.



Chairman

Date

14/8/7