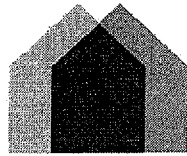


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Residential
Property
TRIBUNAL SERVICE

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL FOR THE LONDON
RENT ASSESSMENT PANEL**

Section 20ZA of the Landlord and Tenant Act 1985

**APPLICATION FOR THE DISPENSATION OF ALL OR ANY OF THE
CONSULTATION REQUIREMENTS CONTAINED IN SECTION 20 OF THE
LANDLORD AND TENANT ACT 1985**

Ref: LON/00AW/LDC/2006/0093

Property: 56 Penywern Road, London, SW5 9SX

Applicant: 56 Penywern Management Ltd

Represented by: Clifford Harris & Co Solicitors

Respondents: Lessees of 56 Penywern Road per attached list

Date of Hearing: Paper determination took place on 28 February
2007

Member of Leasehold Valuation Tribunal:

Mrs J McGrandle BSc MRICS MRTPI

Date of Tribunal Decision: 7th March 2007

Section 20 applies when the relevant contribution of any tenant is more than £250.

The Facts

5. This is a retrospective application in that at the time of the hearing all the works, which involved repairs to drains, had been completed.
6. In brief, on 31 October 2006 the lessee of Flat 2, Mr Jaffa, discovered raw sewage coming through his sink and dishwasher. Dyno Rod were called to remedy the situation. On 1 December 2006 raw sewage was again discovered by Mr Jaffa. On the advice of Dyno Rod, a forced entry was made to Flat 1, where the lessee was absent, and a similar situation was revealed. On 2 December 2006 a tanker arrived to empty the sewage and, again on the advice of Dyno Rod, a camera survey was undertaken on 6 December 2006. This revealed that a lump of concrete was lodged in the drains. A CCTV survey was subsequently undertaken and the remedial works were finally completed on 14 December 2006.
7. The cost of the works was £3,663.52 which will be met by means of an emergency excess service charge.
8. At all times the lessees in the property have been made aware of the situation and indeed an urgent residents' meeting was called on 11 December 2006 at which all lessees (save one who was abroad) were either present or represented.
9. The Applicant's case therefore is that in the light of the urgent nature of the works involved the Applicant did not have sufficient time to comply with the normal consultation requirements.

Decision

10. The Tribunal is satisfied that the application to dispense is properly made and from the specimen lease provided the Tribunal is satisfied that there is an obligation on the management company to maintain and renew the drains and liability on the lessees to contribute to such cost in the service charge. Further, that the situation was an emergency, leaving no time for the normal consultation.
11. The Tribunal also notes that no lessee has opposed the application.
12. Accordingly, the Tribunal determines that it is reasonable to dispense with the requirements of Section 20 for the qualifying works which have taken place.
13. Finally, it is worth repeating the caveat in the directions dated 14 December 2006 that this decision refers only to dispensation of consultation requirements. It does not concern either the reasonableness of the works or their cost.

4. Details of Respondents

No	Name	Address/Contract Details/Correspondence Address	Capacity
1	Paul Marsden	Flat 1, 56 Penywern Road, London, SW5 9SX	Tenant
2	John Jaffa	Flat 2, 56 Penywern Road, London, SW5 9SX	Tenant/Director of Management Company
3	Monarch Foods	Flat 3, 56 Penywern Road, London, SW5 9SX	Tenant
4.	Tara Goldsmith- Paterson	Flat 4, 56 Penywern Road, London, SW5 9SX	Tenant/Director of Management Company
5.	Mr Patridginni	Flat 5, 56 Penywern Road, London, SW5 9SX	Tenant
6.	Dr Umair Mallick	Flat 6, 56 Penywern Road, London, SW5 9SX Correspondence Address: Hebbar & Co Solicitors 157 Northolt Middlesex YB5 4LZ Tel: 020 8423 8234 Fax: 020 8423 5533 Ref: MH/CR/60003	Tenant
7.	Susie Rutterman	Flat 7, 56 Penywern Road, London, SW5 9SX	Tenant
8.	Timothy Jolly	Flat 8, 56 Penywern Road, London, SW5 9SX	Tenant
9.	Jason Horley	Flat 9, 56 Penywern Road, London, SW5 9SX	Tenant