

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE**  
**SOUTHERN RENT ASSESSMENT PANEL AND LEASEHOLD VALUATION**  
**TRIBUNAL**

**Case Number:** CH1/18UB/LCD/2007/0029

**Re:** 1-6 Moor Court Moorcourt Close Sidmouth Devon EX10 8SU  
("the Premises")

**Between:** Moorcourt (Sidmouth) Limited  
(Labyrinth Properties)

**Applicants**

**Mr and Mrs S D B Lambert (Flat 1)**  
**Mrs J V Stuart-Wallis (Flat 2)**  
**Mr and Mrs A A Colburn (Flat 3)**  
**Major and Mrs C J Lynch (Flat 4)**  
**Mr and Mrs P Bosson (Flat 5)**  
**Mr and Mrs D Keatley (Flat 6)**

**Respondents**

**Tribunal Members:** D Sproull LLB (Chairman)  
P J R Michelmore FRICS

**IN THE MATTER OF AN APPLICATION UNDER SECTION 20ZA OF THE**  
**LANDLORD AND TENANT ACT 1985**

**REASONS FOR DECISION**

**Background**

1. This was an application by the freeholders of the premises for the dispensation of consultation requirements as set out in Section 20 Landlord and Tenant Act 1985
2. The panel had issued Directions on the 14<sup>th</sup> December 2007 and thereby gave the notice required under Regulation 13 Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003 as amended by Regulation 5 Leasehold Valuation Tribunals (Procedure) (Amendment) (England) Regulation 2004 that they intended to proceed to determine the matter on the basis of written representations. The Directions indicated that written consents to the application had been produced by all the Respondents except for Jean Stuart-Wallace of Flat 2 and she was invited to signify her consent to the application.

3. Following the issue of those Directions Jean Stuart-Wallace by letter to the Tribunal dated 21<sup>st</sup> December 2007 indicated her consent.

### **Consideration**

The Tribunal was satisfied from the written representations before it from the Applicants that it was impossible to obtain fixed priced quotes for the work required and that the only practical solution was to use a costs plus basis for charging for the necessary works. From the photographs produced and from the Tribunal's own knowledge of the property it was clear that the stability of the gable end was in serious jeopardy and that the steel joist was rusted through.

The Tribunal was satisfied that all of the Respondents had been consulted, understood the purpose of the application and consented to it with the benefit of advice from a local Chartered Surveyor.

The Tribunal points out to the Respondents that in seeing that the works are carried out in a professional manner at a reasonable cost they will be totally reliant upon their Chartered Surveyor.

### **Decision**

The application to dispense with the consultation requirements of the Act is granted.

Chairman

Signed\_\_\_\_\_

Dugald Sproull LLB

Dated 6<sup>th</sup> February 2008