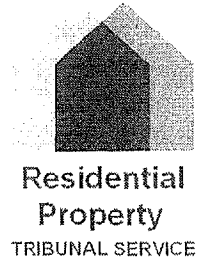


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RESIDENTIAL PROPERTY TRIBUNAL SERVICE

**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

LANDLORD AND TENANT ACT 1985, Section 20ZA



LON/00AE/LDC/2010/0001

Premises:	Radbourne Court Draycott Avenue Kenton Middlesex HA3 0BP	(Landlord)
Applicant:	Home Group Limited	
Respondent(s):	All the Lessees of Flats 1-41 Radbourne Court Draycott Avenue Kenton Middlesex HA3 0BQ	(Tenants)
Date of Determination without a Hearing:	9 March 2010	
Tribunal:	Miss Jane Dowell BA (Hons), Solicitor Miss M Krisko BSc, FRICS	
Date of Decision and Summary Reasons:	9th March 2010	

**DECISION AND SUMMARY REASONS ON AN APPLICATION UNDER
SECTION 20ZA OF THE LANDLORD AND TENANT ACT 1985**

Introduction

1. This decision with summary reasons is issued to inform the parties of the Tribunal's decision in this case as quickly as possible. Any party may request a full statement of reasons for all or any part of this decision. Any such request must be made to the Tribunal in writing within 21 days of receipt of this document, and the Tribunal will issue its full reasons within 6 weeks of receiving the request unless the parties have been informed to the contrary.

Background

2. The property which is the subject of this application is a block of flats built approximately 1990.
3. The Tribunal was told the Respondents hold long leases of the property which require the landlord to provide services and the tenants to contribute towards their costs by way of a variable service charge.
4. On 21 December 2009 the Applicant applied to the Tribunal under Section 20ZA of the Landlord and Tenant Act 1985 ("the Act") for a determination to dispense with all or any of the consultation requirements in relation to qualifying works.

Hearing

5. The determination without a hearing took place at the Tribunal office on 9 March 2010.

The grounds for the application

6. The applicant proposes to carry out the following qualifying works : repair and refurbishment of the passenger/goods lift at a cost of £15,600 + VAT.
7. The Applicant has not complied with following relevant requirements of the Service Charges (Consultation Requirements) (England) Regulations 2003 ("the Regulations"): Schedule 4 Part 2.

Matters agreed

8. The Respondents were notified of the works by letters dated 2 December 2009, 18 December 2009 and 5 January 2010. No comments or observations were received.

Evidence

9. The Applicant provided a statement setting out the reasons for the works and provided a letter from Apollo Lifts Limited dated 9 December 2009 setting out the weeks required and a breakdown of the cost which totalled £15,600 + VAT.

The law

10. **Section 20(1)** of the Act provides that, where the section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) unless the consultation requirements have been either –
 - (a) Complied with in relation to the works or agreement, or
 - (b) Dispensed with in relation to the works or agreement by (or on appeal from) a leasehold valuation tribunal

11. **Section 20(3)** of the Act provides that Section 20 applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount, defined by regulation 6 of the Regulations as an amount which results in the relevant contribution of any tenant being more than £250.
12. **Section 20AZ(1)** of the Act provides that, where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
13. **Section 20ZA(2)** defines “qualifying works” as “works on a building or any other premises” and “qualifying long term agreement” as (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.
14. **Part 2 of Schedule 4 to the Regulations** contains the consultation requirements for qualifying works for which public notice is not required.

The Tribunal's Decision

15. The tribunal is satisfied that it is reasonable to dispense with the consultation requirements contained in Part 2 of Schedule 4 to the Regulations in relation to the repair and refurbishment of the passenger/goods lift at Radbourne Court at a cost of £15,600 plus VAT. This is not a determination that the costs of the works which the landlord proposes to carry out will be reasonably incurred or that the works will be of a reasonable standard or that the tenants are liable to contribute to them by way of a service charge.

Chairman Miss  Dowell Dated: 9th March 2010