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Residential  
Property  
TRIBUNAL SERVICE

**LONDON RENT ASSESSMENT PANEL  
LEASEHOLD VALUATION TRIBUNAL**

**Case Reference: LON/OOAG/LSC/2010/0052  
LON/OOAG/LSC/2010/0057**

**THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION  
UNDER SECTION 20ZA of the Landlord and Tenant Act 1985**

**Applicant: Blair Court St Johns Wood Management Limited**

**Respondent: Mr Andrew Parissis**

**Premises: Blair Court, Boundary Road, London NW8 6N7**

**Date of Application: 1 June 2010**

**Appearances for Applicant: Mrs Carr (Red Carpet)**

**Appearances for Respondent: Mr Parissis**

**Leasehold Valuation Tribunal: Mrs B. M. Hindley LL.B  
Mr W. R. Shaw FRICS  
Ms J. Dalal**

**Date of Tribunal's Determination: 24 June 2010**

1. This is an application, received on 1 June 2010, under Section 20ZA of the Landlord and Tenant Act 1985.
2. It arises as a result of a previous application, dated 18 January 2010, made by the respondent to the above application, under Section 27A and 20C of the Landlord and Tenant Act 1985.
3. As part of his application under Section 27A the respondent called into question two sets of major works – lift repairs and the installation of CCTV and an access control system – carried out, respectively, in March and September 2006.
4. At the hearing the applicants were represented by Mrs Carr, a partner in Red Carpet, which had taken over the management of the subject block of 77 flats (with a porter's flat making a total of 78 flats) from the previous managing agents, Regency Management (Property) Ltd, on 3 August 2008. The respondent represented himself.
5. At the outset of the hearing Mrs Carr, who said that she appeared both in her capacity as a partner in the managing agents and as company secretary of the applicant company, conceded that no Section 20 notice had been served in respect of the lift works. With regard to the CCTV installation she accepted that the proper Section 20 procedures had not been followed but she asserted that the notice, dated 18 June 2006 (attached Annex 1) had provided the respondent with an opportunity to make representations and that consultation had taken place.
6. As a result of these admissions the Tribunal, with the consent of the parties, agreed that it was not necessary to make a determination in respect of the Section 27A application.
7. Because the respondent said that he had received notification of the Section 20ZA application only shortly before the hearing, a brief adjournment was then allowed to enable the respondent to read the statement of case that Mrs Carr proposed to read to the Tribunal. Having read it he said that he was content to continue.
8. Mrs Carr said that 40 of the 77 leaseholders circulated had confirmed that they would not be seeking any compensation, which could be payable as a result of any Section 20 notices not being served, prior to 3 August 2008. She contended that 4 lessees, new to the building after that date, should also be added to that number.
9. She admitted that were the applicants not to obtain the dispensation they sought the company had options for raising any necessary funds.
10. The respondent confirmed that he was acting entirely on his own behalf and that he was not joined by any other leaseholder.

#### The Lift Works

11. Mrs Carr said that works costing (according to the accounts for the year ending 30 September 2006) £43,995 were emergency works carried out as a result of the lifts (2) breaking down on numerous occasions between 3 June 2005 and the beginning of March 2006. In support of this assertion she produced the visitors' book and a diary for 2005. She explained that all the flats, apart from the porter's,

were situated above ground floor level in the 12 storey block, necessitating walking up at least two flights of stairs.

12. Mrs Carr said that the previous managing agents, rather than the applicant company, were to blame for the absence of any Section 20 notice.
13. The respondent pointed out that the legislation enabled prospective emergency applications for dispensation to be made. He said that he had not been aware of any problems with the lifts, saying that whilst he was not resident in the block the tenants of his two flats had made no complaint to him.

#### CCTV and Access Control

14. Mrs Carr asserted that the notice attached at Annex 1 provided the respondent with an eleven week opportunity to comment, since the works costing £31,079.(according to the accounts for the year ending 30 September 2006) did not commence until 6 September 2006, and thus he had not suffered any significant prejudice.
15. She explained that the block, with attendant garaging, was large and the 16 installed cameras, linked to a monitor on the porter's desk, provided not unreasonable security for a high quality block.
16. She added that the access control system for the block and the garage comprised a panel at the front door operated by a coded fob, supplied in triplicate to all flats.
17. The respondent said that 72 of the flats had secure underground garage parking with the others having outside spaces. He said that he was not aware of any security problems and he considered that the presence of 24 hour portage negated the necessity for the installation of an expensive CCTV system. He was also unimpressed by the key fob system claiming that it caused problems to elderly residents.
18. He directed the Tribunal's attention to the decision of a previous Tribunal (LON/OOAC/LSC/2008/0132) where a notice worded in identical terms to that attached at Annex 1, but relating to major works of decoration in the same block, had not been accepted as including an invitation to comment on the tenders received. That Tribunal had concluded 'Most tenants would – quite reasonably in the Tribunal's judgment – conclude that comments on the tenders or tenderers would be pointless'

#### The Tribunal's Determination

19. With regard to the lift works no attempt whatsoever had been made by the agents at the time to comply with the Section 20 procedure, nor had they applied for a dispensation. The applicants were now seeking a retrospective dispensation on the grounds of an emergency. However, in the Tribunal's opinion, insufficient evidence had been offered to substantiate the alleged emergency. They were thus not persuaded that had an application been made prior to the works commencing that it would have been granted, and they are not persuaded that it would now be reasonable to grant the application.

20. Accordingly, the cost of the works to the applicant is capped at £250 per flat in accordance with Section 6 of the Service Charges (Consultation etc) Regulations 2003.
21. With regard to the CCTV and access control works, the Tribunal would find it difficult not to conclude, as did the previous Tribunal on a very similar notice, that the respondent was prejudiced as a result of the very serious breach of the consultation requirements. Accordingly, for that reason alone the Tribunal would not grant the requested dispensation.
22. The respondent argued that, in this instance, his liability should be less than the usual capped figure of £250 because, in his view, the works were wholly unnecessary. The Tribunal might have considered that the additional security the system provided, as argued by Mrs Carr, was worth £250 per flat, had it not been for the fact that their reading of the lease led them to the conclusion that the works amounted to an improvement for which there was no provision in the lease.
23. Accordingly, with the works not amounting to qualifying works under the terms of the lease, the Tribunal determines that the applicant should make no contribution towards this cost..

#### Application for Costs under Section 20C

24. In his application under Section 27A the respondent (to the Section 20ZA application) had also asked for an order under Section 20C preventing the applicants from recovering their costs against him. The previous Tribunal (LON/OOAC/LSC/2008/0132) had made such an order when, as they put it, 'the management company had lost comprehensively'. The applicants had sought to appeal that determination to the Lands Tribunal but had been unsuccessful.
25. In the circumstances of the respondent's total victory in this application the Tribunal makes the requested order.

#### Application for Costs under Paragraph 12 of Schedule 13 of the Residential Property Tribunal Regulations

26. The applicant sought costs of £500 on the basis that the applicants had acted 'frivolously, vexatiously, abusively, disruptively or otherwise unreasonably in connection with the proceedings'
27. The Tribunal was not satisfied that the conduct of the applicants could properly be so described and, accordingly, declined to make such an order.

#### Reimbursement of Fees under Paragraph 6 of the Residential Property Tribunal (Fees) (England) Regulations 2006.

28. The respondent requested reimbursement from the applicants of his application and hearing fees in respect of his Section 27A application. The Tribunal would have exercised their discretion in the applicant's favour but they noted that he, in fact, had paid no fees as a result of his successful application for waiver under Paragraph 9 (4) Schedule 12 Commonhold and Leasehold Reform Act 2002. In

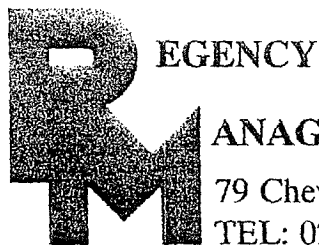
considering this application the Tribunal noted that the previous Tribunal (LON/OOAC/LSC/2008/0132) had granted the applicant's previous request for reimbursement, although it would appear that he had, similarly, paid no fees then as a result of another successful application for waiver.

Chairman

*R. N. Hazley*

Date

24/6/10.



REGENCY

MANAGEMENT (PROPERTY) LTD

79 Cheviot Gardens London NW2 1QD

TEL: 020 8455 2817 / 0842 FAX: 020 8455 2817

ALL LESSEES  
BLAIR COURT  
2 BOUNDARY ROAD  
LONDON NW8

DATE: 13 June 2006

REF: MG/RG/BC/CCTV

Dear Sir/Madam

NOTICE IN ACCORDANCE WITH SECTION 20 OF LANDLORD & TENANT ACT 1985 (AS AMENDED)

PROPERTY: BLAIR COURT, 2 BOUNDARY ROAD, LONDON NW8

PROPOSED WORK: CCTV & ACCESS CONTROL SYSTEM

The Board of Blair Court (St. John's Wood) Management Limited have instructed us to carry out the above work and Notice is hereby given in accordance with the requirements of Section 20 of the Landlord and Tenant Act 1985 (as amended)

SCOPE OF WORK

Installation of CCTV & Access Control Systems.

TENDERS

Copy of a summary of the tenders received is enclosed for lessees' perusal.

The Board of Blair Court (St. John's Wood) Management Ltd have agreed to accept the tender from Telmo's Electronics Ltd in the sum of £35,211.99 (Inc VAT)

The cost of the work will be met from the Reserve Fund.

If Lessees wish to make any comments on the work it should be made in writing, addressed to Regency Management (Prop) Ltd, within the Statutory 28 days from the date of this Notice.

The date of commencement of the work and its duration will be notified to lessees at a later date.

Copies of the Quotations for the work are held at the Porters' Desk for Lessees to inspect if they so wish.

Yours faithfully

REGENCY MANAGEMENT  
(PROPERTY) LIMITED

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