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Residential
Property
TRIBUNAL SERVICE

LEASEHOLD VALUATION TRIBUNAL

CASE REFERENCE: LON/00AL/LDC/2010/0018

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

BETWEEN:

**Applicant: Residential Block Management Services Limited (manager of the
premises on behalf of the landlords)**

Respondents: All the leaseholders in the premises

Premises: Greenwich Heights Master Gunner Place, London SE18 4NP

Date of Application: 10 February 2010

**Date of Directions: 18 February 2010 (amended 10 March
2010)**

**Date of Hearing: A decision was made on consideration
of the papers without an oral hearing none of the parties having sought an oral
hearing.**

Date of Decision: 1 April 2010

Representation: None

**The Tribunal: James Driscoll, LL.M, LL.B, Solicitor (Lawyer Chair) and Raymond
Humphrys FRICS**

DECISION

In accordance with section 20ZA of the Act the Tribunal determines that it is reasonable to dispense with the statutory consultation requirements of section 20 of the Act (and the regulations made under that section) in relation to the proposed works removing asbestos in the subject premises as set out in Part3 of the notice to the leaseholders dated 1 February 2010.

- 1 This is an application under Section 20ZA of the Act for the dispensation of the statutory requirements in section 20 of the Act and in the regulations made under that section. It is made by the managing agents for the owners of the freehold of the subject premises who are the landlords under the 87 long leases of the flats in those premises.
- 2 The application was made on 10 February 2010 in relation to proposed major works set out in a notice of intention to carry out works dated 1 February 2010. Directions were given by the Tribunal on 18 February 2010 and were later amended to make it clear that the applicants are seeking dispensation in relation to proposed works to remove asbestos in the common parts of the subject premises as set out in Part 3 of their notice of intention.
- 3 The Tribunal has received notification from 20 of the leaseholders affected all bar one of whom support the application for dispensation in relation to the proposed asbestos removal works. All of these leaseholders reserve their position on the remainder of the proposed works in the applicant's notice of intention. As none of the leaseholders has notified the Tribunal that they wish to have an oral hearing, the Tribunal considered the merits of the application on 1 April 2010.

4 Having regard to the seriousness of the potential health risks of the asbestos, that according to the applicants notices have been served by the London Borough of Greenwich and the Health and Safety Executive, and the fact that all but one of the leaseholders that responded to the application support this course of action, the Tribunal determines that the statutory consultation requirements should be dispensed with. It is important that the parties note that this is not a determination that either the costs of the works are reasonable, or that they are payable.

Signed: 

(James Driscoll, Lawyer Chair)

Dated: 1 April 2010