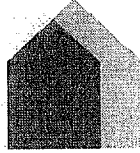


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Residential  
Property  
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL**

**LANDLORD AND TENANT ACT 1985 section 20Z(A)**

**Case Reference: LON/00BK/LDC/2010/0085**

Property: Block 6, Ashley Gardens, Thirleby Road,  
London, SW1 1HG

Applicant: Block 6 Ashley Gardens Limited

Respondents: The Leaseholders as Listed in the Schedule  
attached to the Application

Application Received: 2<sup>3rd</sup> August 2010

Date of Directions: 26<sup>th</sup> August 2010

Date of Determination: 8<sup>th</sup> September 2010

Tribunal Members: S. Shaw LLB (Hons) MCI Arb  
M Mathews FRICS

## DECISION

1. This case involves an Application received on 23<sup>rd</sup> August 2010, in which block 6 Ashley Gardens Limited ("The Applicant") seeks an order for the dispensation of all or any of the consultation requirements of section 20 of the Landlord and Tenant Act 2005. The Property concerned is Block 6 Ashley Gardens, Thirleby Road, London, SW1P 1HG ("the Property") and is made against the various leaseholders listed in the schedule attached to the Application ("The Respondents").
2. The Tribunal directed that this case was appropriate to be dealt with on paper, without the need for attendance by the parties. An opportunity was however given for any party to request an oral hearing. No such request was received, and thus this determination is made on the basis of the written representations.
3. The issue in the case is whether the consultation requirements of section 20 of the Act should be varied or dispensed with, given that the Applicant asserts that there is an urgent requirement to carry out works brought about by a collapsed drain, which is causing sewage to back up at the property.

#### **4. The Applicant's Case**

The Applicant's case is that the relevant drain is situated near the junction of Thirleby Road and Howick Place. Contractors, namely Drainline Southern Limited, have produced a report dated 2<sup>nd</sup> September 2010, following an inspection on 26<sup>th</sup> August 2010. CCTV and high-pressure water jetting procedures were used. The necessary works are set out in the report of Drainline Southern Limited, and are costed at £15,325, excluding VAT and extras. There are 22 flats at the property.

#### **The Respondents' Case**

5. No Respondents have objected to the Application for dispensation, nor made any representations – with the exception of one. Mr C B d'A Fearn and his wife, the leaseholders of Flat 78b, confirm they have no objection to the application, and indeed add, "*the sooner remedial work is begun, the better.*"

## Conclusion of the Tribunal

6. The Tribunal is of the view that there is a plain Health & Safety risk if these works are not carried out without delay. In the circumstances, it is reasonable to dispense with the consultation provisions of section 20 of The Act. This Decision makes no finding respect of the standard or reasonableness of the costs of the work, but only in respect of whether or not it is reasonable to dispense with the relevant consultation provision. Given the clear evidence of a Health & Safety risk, and the unsatisfactory and unpleasant nature of the current position, the Tribunal is satisfied that it is reasonable to make such an order. Accordingly the Dispensation Order as requested by the Applicant is made.

Legal Chairman:

S SHAW



Dated:

8<sup>th</sup> September 2010