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LONDON RENT ASSESSMENT PANEL

Ref: LON/00AC/LDC/2012/0019

DECISION AND REASONS OF LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION UNDER S.20ZA, LANDLORD AND TENANT ACT 1985

Premises: 1-10 Turners Court, 1 Carpenter Close, Barnet, EN5 1EW
Applicant: AMG Management Ltd
Represented by: Lewis & Tucker Management
Respondents: The 10 leaseholders of the subject flats listed in the schedule to the application

Represented by:

Determination date: 2 April 2012

Leasehold Valuation Tribunal: Martin Rodger QC

Decision

The Tribunal dispenses with the consultation requirements of section 20, Landlord and Tenant Act 1985 in connection with the proposed replacement of the damaged lift control panel at 1-10 Turners Court,

Reasons for Decision

1. Turner Court is a block of 10 residential flats served by a single passenger lift.
2. On 9 February 2012 the lift's control panel failed and the lift was taken out of service following an incident in which a passenger had been stuck in the lift when it broke down.
3. On 15 February 2012 the company responsible for maintaining the lift, Metro Lifts Ltd, advised the Applicant on repair options. The more expensive of the two options involved the replacement of the control panel (rather than individual components) at an estimated cost of £7,600 plus VAT.
4. Turners Court is managed by the Applicant on behalf of the lessor. The individual flats are let to the Respondent leaseholders on leases for a term of 999 years from 1 June 1998, an example of which has been provided to the Tribunal. Assuming the

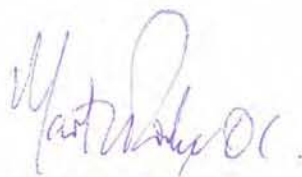
leases are in a standard form, each of the leaseholders is required to contribute through a service charge towards the cost of maintaining and replacing all plant and machinery in the building, including the lift.

5. The replacement of the lift control panel is qualifying work within the scope of the consultation requirement in section 20 of the Landlord and Tenant Act 1985. Consultation takes time and the Applicant has applied in this case, on 27 February 2012, for a dispensation from the requirements of section 20 on the grounds that the proposed work is urgent and that it is reasonable to dispense with consultation. The reasons given by the applicant for urgency are that while the lift is out of service the building has no alternative lift; and that there are a number of elderly residents in the building who rely on the lift and who are struggling without it. The Applicant has additionally stated that part of the cost of the work can be met from the sinking fund.

6 On 1 March 2012 the Tribunal directed that the Applicant write to each leaseholder informing them of the application and inviting them to indicate to the Applicant and to the Tribunal by 9 March whether they consented to the dispensation or objected or wished the Tribunal to hold a hearing to consider the application. On 15 March the Applicant informed the Tribunal that it had received no response to the letter. No communication has been received by the Tribunal from any leaseholder.

7. The Tribunal has power to dispense with the consultation requirements of section 20 if it is satisfied that it is reasonable to do so. In this case I am satisfied that it is reasonable to dispense with consultation. The work is obviously urgent and the continued absence of a lift is likely to be a major inconvenience to a number of the occupants of the building. The Applicant has already informed the leaseholders of the work which is proposed and the Tribunal has given them the opportunity to respond, but none has done so. The leaseholders will have the opportunity to raise any issues they wish concerning the reasonableness of the costs incurred and the payability of any resulting service charge once the work has been completed and the service charge has been claimed.

8. For these reasons the Tribunal makes the order requested dispensing with consultation



Chairman Martin Rodger QC

Date 2 April 2012