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**LONDON RENT ASSESSMENT PANEL**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION  
UNDER SECTION 20ZA OF THE LANDLORD AND TENANT ACT 1985**

**Case Reference:** LON/00AW/LDC/2011/0108

**Premises:** Sloane Avenue Mansions, Sloane Avenue, SW3  
3JF

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**Applicant:** Sloane Avenue Mansions Limited

**Respondents:** The lessees of Sloane Avenue Mansions

**Leasehold Valuation  
Tribunal:** Mr M Martynski (Solicitor)  
Mr I Thompson BSc FRICS

**Date of decision:** 17 January 2012

## Decision summary

1. Dispensation from the consultation requirements imposed by section 20 Landlord and Tenant Act 1985 is granted in respect of works of decoration to the internal common parts of the subject property carried out or to be carried out by Leon Décor at a total cost of £48,600.

## Background

2. The property which is the subject of this application is a purpose built block of 199 flats and a garage in the basement.
3. The application in this matter was received by the Tribunal on 3 November and directions were given on 10 November 2011.
4. A decision was made in 2010 by the board of the Applicant company to redecorate the internal areas of the property in question. Three quotes were obtained for the work and the cheapest (from Leon's Décor) was chosen. That quote amounted to £20,200 which was an amount that did not trigger the consultation requirements of section 20 of the Landlord and Tenant Act 1985.
5. Leon's Décor started to paint some walls in October 2011. It soon became apparent that the finish on the wall was not acceptable and that the solution to this problem was going to be to re-plaster the walls and then paint them. Leon's décor were asked to re-quote for the works taking into account the extra work of plastering. The new quote was in an amount of £48,600 which was an amount that *did* trigger the consultation requirements. No other quotes were obtained. The leaseholders were not formally consulted regarding the additional works.
6. As Leon's Décor had been prevented from completing the contract due to factors beyond their control and as they were on site, it would appear from the application (although this is not entirely clear) that they were instructed to proceed with the work on the basis of the new quote.
7. The application for dispensation was served on all leaseholders. There were responses from 97 flats supporting the application. There were no responses opposing the application.

## The issues and the Tribunal's decisions

8. The only issue for the Tribunal was whether to grant dispensation from the consultation requirements set out in the regulations made under section 20 Landlord and Tenant Act 1985.
9. In reaching its decision, the Tribunal considered all the circumstances of the case, those being:-

- there was no consultation on either the works or their cost
- the difficult position the Applicant was in, in having contractors on site who had been contracted to do work that could not be carried out without the undertaking of further more expensive works
- the cost of the works to individual leaseholders was relatively small (at most £408 with the costs for some leaseholders being likely to be lower than or near to £250.00)
- a large number of flats supported the application
- there were no objections to the application
- the question of whether or not there was prejudice to leaseholders even though no leaseholder opposed and if there was prejudice (which there probably inevitably was to some degree) whether or not in all the circumstances of the case that prejudice was not such as to warrant the refusal of dispensation (which the Tribunal considers is the case in this application)

10. In weighing up all those factors, the Tribunal considers that it is reasonable in this case and in these very particular circumstances to grant dispensation.
11. All parties are reminded that this decision does not affect the parties' rights to make an application to the Tribunal regarding the reasonableness and costs of the works in question.

Chairman:



Mark Martynski

Date:

17 January 2012