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LONDON RENT ASSESSMENT PANEL

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

Case Reference:

LON/00BJ/LDC/2012/0004

Premises:

**Mastin House,
Merton Road, Earlsfield ,
London SW18 5JY**

Applicant: Mastin House Management Limited

Represented by: HLM Shaw, Property and Estate Management

Respondents: The 18 Lessees of Mastin House

Represented by: None

Premises: Mastin House, Merton Road, Earlsfield London SW18 5JY

Date of Application: 6 January 2012

Date of Decision: 17 February 2012

The Tribunal: Mr John Hewitt Chairman

Mr W Richard Shaw FRICS

Decision of the Tribunal

1. The decision of the Tribunal is that it dispenses with the need for the Applicant to comply with the consultation provisions of section 20 of the Act in relation to proposed works of repair to remedy dampness in the ground floor of the building as described in a report by Robertson Associates dated March 2011 ('the subject qualifying works').

Background

2. Mastin House comprises a four-storey block of sixteen two and three bedroom flats. The building is subdivided into two separate and distinct halves, each containing eight flats.
3. The building was originally constructed some 80 years ago to a standard and specification typical of the time. The ground floor is of solid concrete slab reinforced with mild steel reinforcement, over which flooring has been laid. There is no damp roof membrane. The absence of such a membrane has caused damp floors to varying degrees of seriousness within the ground floor flats.
4. The nature and extent of the disrepair is helpfully set out in Robertson Associates' Report. Proposed remedial works are clearly set out in a Specification of Works Tender document prepared by Robertson Associates dated September 2011.
5. Four competitive tenders were sought but only three contractors responded. In November 2011 these tenders were analysed. They range from £87,765 to £123,625 + VAT + professional fees.
6. The papers before us suggest that the sixteen lessees, who are also shareholders of the Applicant, have been kept closely informed about the nature and extent of the disrepair and scale of remedial works required. Evidently a meeting of lessees/shareholders was held on 6 December 2011 and subsequently all shareholders were advised that an application was to be made to the Tribunal to seek a determination that the statutory consultation requirements be dispensed with in order that a contract for the remedial works could be let shortly. Evidently two of the worst affected flats had been, or were about to be, vacated for health and safety reasons connected with dampness.
7. The subject application was made on 6 January 2012. Directions were given on 10 January 2012. The application form and directions were to be served on each lessee by the Applicant. The directions gave each of the Respondents the opportunity to oppose the application and they also notified the Respondents of the Tribunal's intention to determine the application on the basis of written representations during week commencing 13 February 2012 if no party requested a hearing.
8. The Tribunal has not received a request for a hearing from any Respondent. Ten lessees have written to Tribunal to say they support the application. No lessee has written to the Tribunal to say that they oppose it.

Reasons

9. In the light of the foregoing the Tribunal is satisfied that it is reasonable to dispense with the consultation requirements of the Act in relation to the subject qualifying works.
10. We are satisfied that the Applicant has taken a reasonable, practical and pragmatic approach to the proposed works. The Applicant has sought to comply with some of the consultation requirements, but wishes to hasten the process to place a contract shortly. None of the Respondents has raised any objection.

Note

11. We are simply determining that there should be dispensation with the formal consultation requirements; we are not making any findings as to whether the works fall within the obligations of the Applicant or that the scope of the works is reasonable or whether the estimated cost of the works is reasonable. Those matters remain open and may be subject to challenge in due course at the appropriate time.

John Hewitt
Chairman
17 February 2012