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London Leasehold Valuation Tribunal File Ref No.

LON/00BK/LDC/2011/0117

Her Majesty's Courts and Tribunals Service
Leasehold Valuation Tribunal: determination

Landlord and Tenant Act 1985 section 20ZA

Address of Premises

The Committee members were

Princess Court,

Mr Adrian Jack

Queensway,

Mr Neil Maloney FRICS

London W2 4RD

The Landlord: William Pears Ltd

The Tenants: Various

Procedural

1. By an application dated 24th November 2011 the landlord applied for dispensation from the requirements of section 20 of the Landlord and Tenant Act 1985 in respect of urgent works to the passenger/goods lift controller and wiring.
2. The Tribunal gave directions on 29th November 2011 for the determination of the matter on paper, but gave parties the option of asking for an oral hearing. No one availed themselves of this option and in consequence the Tribunal determines the matter on paper.

The law

3. The Landlord and Tenant Act 1985 as amended requires a landlord to carry out a two stage consultation process before carrying out major works. If the landlord does not comply he is limited to recovering £250 per flat. The Tribunal is given a discretion to disapply the consultation requirements in appropriate cases.

The decision

4. The works here are urgent. The lift is inoperable due to the fifty year old wiring burning out and damaging the lift controller. There is one other lift in the block, but this is unreliable. There are some 112 flats in the block and the tenants include some elderly residents.
5. The landlord has attempted to contact the tenants about the works and insofar has consulted with them. All those who have responded have responded in favour of the works being done. The residents association is supportive of the application.
6. In these circumstances we have no hesitation in granting a dispensation. The dispensation is without prejudice to the tenants' right to challenge the quality of the work or the reasonableness of the charges.

DECISION

7. **The Tribunal accordingly determines that the requirements of section 20 of the Landlord and Tenant Act 1985 and the regulations made thereunder be waived in respect of the works to the passenger/goods lift.**



Adrian Jack, chairman

9th January 2012