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Case reference: LON/00BK/LDC/2012/0037

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

Property: Rossmore Court, 55 – 71 Park Court, London NW1 6XX

Applicant: Rossmore Court Leaseholding Limited

Respondents: The leaseholders of all the flats in Rossmore Court

Determination without a hearing in accordance with the procedure set out in regulation 13 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003

Tribunal: Margaret Wilson

Date of determination: 15 May 2012

1. This is an application by the landlord under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") for dispensation from the statutory consultation requirements in respect of works which are urgently required to replace the hot water boilers at Rossmore Court, which is a purpose built block of 143 flats.

2. The application was received by the tribunal on 13 April 2012 and directions were made on that day. The landlord indicated in the application that it was content for the application to be determined on the basis of written representations and without an oral hearing in accordance with the procedure set out in regulation 13 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003. None of the respondent leaseholders having asked for an oral hearing, the application is determined on the basis of the written material. I am satisfied that all the leaseholders are aware of the application and that none of them opposes it.

3. The landlord had proposed to replace the boilers later in the year but they are now leaking and liable to cease to work at any time. The application is supported by a report from Argent FM Ltd, a building company, and by a number of photographs.

4. Section 20ZA of the Act gives the tribunal the discretion to dispense with the relevant statutory consultation requirements, which in the present case are set out in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003, if it is satisfied that it is reasonable to dispense with them.

5. I am satisfied that the replacement of the boilers is urgent and it would not be reasonable to await the outcome of the statutory consultation process and that it is reasonable to dispense with compliance with the Consultation Regulations.

6. This decision relates only to dispensation from the consultation requirements. It is not a decision that the cost of the works will be reasonably incurred or payable under the respondents' leases.


CHAIRMAN.....

DATE: 15 May 2012