



8943



Residential
Property
TRIBUNAL SERVICE

LONDON RENT ASSESSMENT PANEL

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

Case Reference: LON/00AE/LDC/2013/0036

Premises: 3 Hazelmere Road, London NW6 6PY

Applicant: Orchidbase Limited

Representative: Michael Richards & Co

Respondents: (1) Mrs J Brecker (Basement Flat)
(2) Ms K Nettleship (Flat B)
(3) Dr Rabia Shirazi (Flat C)

Representative:

Date of Paper Determination: 20th May 2013

Date of Directions: 17th April 2013

Leasehold Valuation Tribunal: Mr S. Shaw LLB (Hons) MCI Arb

Date of Decision: 20th May 2013

DECISION

Introduction

1. This case involves an application by the Applicant referred to above ("the Applicant") in respect of 3 Hazelmere Road, London NW6 6PY ("the Property"). The application is for Dispensation of the consultation requirements contained in Section 20 of the Landlord and Tenant Act 1985 ("the Act") pursuant to section 20ZA of the Act. The Application is made against the leaseholders (as named above) ("the Respondents") of the Property, in respect of whom dispensation of the consultation procedure is requested.

2. The Application was received by the Tribunal on 3rd April 2013, and Directions were given by the Tribunal on 16th April 2013. It was directed that those Respondents in opposition to the Application should respond to it by 3rd May 2013, and the Respondents were also given an opportunity to indicate whether they required an oral hearing of the Application.

3. As recorded in the Directions, the application relates to repair in respect of the roof at the Property. Again as explained in the application, the dormer roof at the Property had developed a serious leak, causing substantial water ingress into the bedroom of the Top Floor Flat. Part of the ceiling had required removal to avoid the danger of collapse. The works, given their urgency, were in fact under way at the time of the Directions hearing.

4. No statements in opposition have been received from any of the Respondent leaseholders, nor has a hearing been requested. Indeed, the Respondents, as understood by the Tribunal, heartily support the application, and have encouraged the works to be carried out without

delay, and without formal completion of the consultation process. Accordingly the Tribunal is dealing with this matter on the basis of the written material contained within the Application

Applicant's Case

5. The Applicant's position as set out in the Application is that the above-mentioned problem was alerted to its agents by the Respondents; the agents promptly obtained 2 estimates and served a Stage One statutory Notice on each of the Respondents. In fact, before the end of the consultation period, the Respondents had all confirmed by e-mail that they were entirely agreeable to the works to proceeding with the most economic of the contractors who had quoted. In the event, the works were indeed carried out, and have now been paid for.

The Respondents' Case

6. As mentioned, none of the Respondents have submitted statements in opposition, nor requested a hearing. On the contrary, they fully support the carrying out of the works ahead of complete consultation.

The Determination the Tribunal

7. The works in this case were of an urgent kind as described above. There has been partial compliance with the statutory consultation procedure, but it has been truncated in the light of the nature of the works, and the complete agreement of all leaseholders concerned. The Tribunal is quite satisfied that this is an appropriate case for the dispensation in accordance with section 20ZA of the Act of the remaining part of the section 20 consultation procedure. Accordingly, by this Decision, a

dispensation order is granted. It should be stressed that (although no such course is being encouraged) the dispensation order does not impinge upon the entitlement of the Respondents, or any of them, to make an application under section 27A if the cost or standard of the works is challenged in some way.

Conclusion

8. For the reasons indicated above, the Tribunal is satisfied that it is reasonable to dispense with the remaining consultation requirements of section 20 of the Act, and a determination to this effect is accordingly given.

Legal Chairman: S SHAW

Date: 20th May 2013