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**Residential
Property**
TRIBUNAL SERVICE

**LONDON RENT ASSESSMENT PANEL
LEASEHOLD VALUATION TRIBUNAL**

Case Reference LON/00AY/LDC/2013/0041

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN
APPLICATION UNDER S20ZA OF THE LANDLORD AND TENANT ACT
1985**

Applicant: Palace Court Management Ltd

Respondent: Various Leaseholders of Palace Court
Palace Road London SW2 3ED

Premises: Palace Court Palace Road London SW2
3ED

Date of Application: 2 May 2013

Leasehold Valuation Tribunal: Mrs F J Silverman Dip Fr LLM
Mr P Tobin FRICS

Date of paper determination: 12 June 2013

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Decision

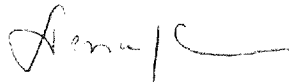
The Tribunal determines that it will exercise its discretion to dispense with the consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985.

1. The Applicant seeks a determination of its application for dispensation from the consultation requirements imposed by s. 20 of the Landlord and Tenant Act 1985.
2. The Application to the Tribunal was made on 2 May 2013
3. The premises are a block of flats built, it is thought during the 1930's.
4. The Applicants are currently undertaking maintenance and repairs to the premises during the course of which amosite asbestos has been found in the loft adjacent to the water tank .
5. The Applicants wish to remove the asbestos as soon as possible (it is understood that works have already commenced) and in view of the health and safety risks imposed by the substance seek to dispense with the necessity of serving a section 20 notices in this case .
6. Directions were issued by the Tribunal on 3 May 2013 allocating the application to the paper track (ie to be determined without an oral hearing). .
7. No objections to the application have been received by the Tribunal .
8. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act.
9. The wording of s.20ZA is significant. Subs. (1) provides:

“Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination *if satisfied that it is reasonable to dispense with the requirements* (emphasis added).”

10. The Tribunal understands that the purposes of the consultation requirements is to ensure that leaseholders are given the fullest possible opportunity to make observations about expenditure of money for which they will in part be liable.
11. In this case no leaseholders have objected to the present application.
12. In these circumstances the Tribunal determines that it is reasonable to exercise its discretion to dispense with the statutory requirements for consultation.
13. The dispensation given applies only to the urgent works required to remove the asbestos which is the subject of this application .
14. The fact that the Tribunal has consented to this application does not imply that the costs involved are reasonable and does not prevent the Respondents from challenging those costs under s27A of the Landlord and Tenant Act 1985 at a later stage should that be deemed necessary.

Frances Silverman
Chairman



Date 12 June 2013