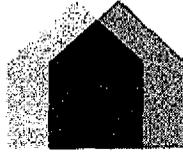


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Residential
Property
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
DECISION / DIRECTIONS BY LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

LANDLORD AND TENANT ACT 1985/1987 as amended
Section

Ref: LON/00AG/LIS/2005/0104

Property: 10 Englands Lane, London, NW3 4TG

Applicant: Mr V M Khanna

Respondents: Ms H George
Mr J Burnam
Ms J Summerscale
Ms S Corrigan

DECISION AND REASONS

DECISION

The Tribunal declared that the Notice served by the Applicant Landlord on 9 December 2004 and supplementary Notice dated 29 July 2005 fail to satisfy Section 20 Landlord and Tenant Act 1985. The inadequacy of the Notices was admitted by the Applicant.

The Applicant's application for dispensation under Section 20ZA is refused.

The Applicant's application for costs and for return of his tribunal application fee were both refused.

The Tribunal declare that the total sum payable by each tenant under the combined Schedule of Works dated 9 December 2004 and 25 July 2005 is limited to £250 per tenant/flat.

REASONS

1. The Applicant Landlord admitted that his Notices purportedly served under Section 20 Landlord and Tenant Act 1985 were defective.
2. The Applicant did not demonstrate to the Tribunal any reason which satisfied the Tribunal that it should exercise its discretion to dispense with the consultation requirements. There was no evidence that the works were urgent, or an emergency that the works needed to be done in order to prevent danger to the tenants and there was no evidence that the tenants had consented to the dispensation of the procedures.
3. Since the Applicant's application under Section 27 and Section 20ZA have failed because of failure to satisfy the Statutory Notice and consultation procedure it follows that his application for costs and for return of the Tribunal fee will also fail.
4. Having inspected the property on 13 March 2006, the Tribunal is satisfied that some of the works in the Schedules were attributable to structural works to the building and could fall within the ambit of the service charge provisions in the lease.
5. These works include rebuilding a manhole cover, work to the soil vent pipe, a replacement beam underneath the pavement and some drainage works. The Tribunal estimated that the cost of these works would have totalled more than £1,000 and it is fair to order each tenant/flat to pay £250 towards the cost of these works.
6. Any excess over £250 per tenant/flat is irrecoverable because of the Applicant's failure to comply with Section 20.

Chairman


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Date

13 March 2006

JG