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**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

DETERMINATION BY THE LEASEHOLD VALUATION TRIBUNAL

**APPLICATION UNDER S 20ZA OF THE LANDLORD AND TENANT ACT 1985,
as amended**

REF: LON/008K/LDC/2010/0021

Address: Consort Lodge, 34 Prince Albert Road, London NW8 7LX

Applicant: Consort Lodge Management Ltd

Respondents: 15 leaseholders of Consort Lodge

**Tribunal: Mr I Mohabir LLB (Hons)
Mrs S Coughlin MCIEH
Mr L G Packer**

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1. The Applicant, who is the landlord of Consort Lodge ("the property"), has applied to the Tribunal by an application dated 9 February 2010, for dispensation of all or any of the consultation requirements contained in S20 of the Landlord and Tenant Act 1985, as amended ("the Act"). The application was made on behalf of the landlord by Mr D Weil of the Applicant's managing agents, Parkgate Aspen property management.
 2. The property is described in the application as a block of 16 flats built in the 1960s, originally as office premises.
 3. The Applicant has requested a paper determination. None of the Respondents requested an oral hearing, and therefore in accordance with Directions issued by the Tribunal on 22 February 2010, this matter was dealt with by way of a paper hearing, which was held on 29 March 2010. Written representations were received on behalf of the Applicant. Representations were received from or on behalf of one Respondent.

The Applicant's case

4. The qualifying works and the reason for the application was set out in the application as follows:

"A serious water leak occurred on 9th February 2010 Water went through a number of floors...affecting the pyro cables ... This caused one of the main fuses to short. We have been advised by an electrical engineer

that it is almost impossible to remove water from pyro cables. These cables are imperial and therefore are obsolete. EDF Energy were called to site and took the decision to switch off the supply....This has resulted in half the building having no electricity supply whatsoever. It is proposed to replace the necessary length of cable under advice from an electrical engineer. Due to the urgent nature of these works we will circulate the engineer's planned works. The Applicant further said in a letter of 24 March to the Tribunal, that "A temporary electrical connection has been supplied to the building however this must be replaced with a permanent connection."

5. Parkgate Aspen obtained a *Specification for the reinstatement of the main electrical supplies at Consort Lodge* from Brockhouse Designs Ltd, Building Services Design and Management, dated February 2010, and in submitting the application, told the Tribunal that it had written to the Respondents notifying them of the situation, and providing them with a copy of the specification.
6. The Tribunal held a Pre Trial Review on 22 February 2010, and issued its Directions on the same day. These required the Applicant to notify each of the Respondents of its application, and directed the Respondents jointly or individually to notify the Applicant and the Tribunal in writing whether they consented to or opposed the application, and whether they consented to or opposed the Tribunal's making a determination on the basis of written representations.
7. The Tribunal also so notified the Respondents, and copied the Directions to them.
8. Representations were received from one Respondent, who indicated that he was content with the application for dispensation from the consultation requirements of Section 20 of the Act, and with the determination to be made on the basis of written representations.
9. No other Respondent replied.
10. The Applicant received tender bids from three contractors, viz:

-	Cool Environmental Services Ltd	£23,241.00
-	Gazelle Electrical Ltd	£20,983.00
-	Woodcote Services Ltd	£16,916.00

in each case including the required provisional sums of £1,250.00 for Supply Authorities, and a contingency of £1,000.00.

11. Brockhouse Designs provided the Applicant with a tender assessment on 22nd March, 2010. This confirmed that all the tenders showed a good understanding of the project, and it recommended that the lowest tender, that by Woodcote Services Ltd, be accepted in the sum of £16,916.00.

12. Parkgate Aspen wrote to the Tribunal on 24th March saying “Tenders have now been received in respect of this work and we would ask for the LVT’s approval to proceed as soon as possible.”

The Tribunal’s determination

11. The Tribunal must have a cogent reason for dispensing with the consultation requirements, the purpose of which is that lessees who may ultimately foot the bill are fully aware of what works are being proposed, the cost thereof and have the opportunity to nominate contractors.
13. The Tribunal has carefully considered the application. It accepts that there is an urgent need to reinstate the electrical supply. It notes that the Respondents have seen the electrical engineer’s report. Whilst they were not specifically invited to nominate tenders, they had the opportunity to comment generally on the application; and the one Respondent replying supported the application.
14. The Tribunal, in the exercise of its discretion under S20ZA of the Act, consents to the application.
15. It should be noted that in making its determination, the application does not concern the issue of whether any service charge costs are reasonable or payable by the lessees. The Tribunal’s determination is limited to this application for dispensation of consultation requirements under S20ZA of the Act.

CHAIRMAN.....J. Mohan.....

DATE 29 March 2010