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LEASEHOLD VALUATION TRIBUNAL
LANDLORD AND TENANT ACT 1985 – SECTIONS 20ZA & 27A

LON/OOBK/LSC/2010/0456

Premises: 9-10 Northwick Terrace, London NW8 8JE

Applicant: Lyngate Properties Limited

Represented by: Chainbow (Managing Agents)

Respondents: Mr. Erkut Oser (Flat 1)
Ms. Susanna K C Daw (Flat 2)
Dr. & Mrs. Wayne (Flat 3)
Mr. Adrian H A Osborn (Flat 4)
Mrs. B Unterhalter (Flat 5)
Mr. Maurice McParland (Flat 6)
Mrs. Constance Choy (Flat 7)
Ms. Ella Brown (Flat 8)

Represented by: N/A

Tribunal: Ms. LM Tagliavini, LL.M, DipLaw, BA Hons,
Barrister & Attorney-at-Law (NY)
Mr. C Gowman, BSc, MCIEH

Hearing date (paper): 4 August 2010

1. The Applicant seeks the Tribunal's exercise of its discretion pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the Act") to dispense with the section 20 consultation requirements for additional major works identified during the carrying out of works to the internal decorations. The Applicant also seeks and a determination of the reasonableness of the estimated costs of those works pursuant to section 27A of the said Act.

2. The premises comprise two houses converted into 8 flats held under an original lease dated 17th June 1997 for a term of 125 years from 29th September 1996. Since the commencement of planned works of internal redecoration, further works have been identified, as significant historic damage to the inner skin masonry wall has occurred on the second floor of the stairwell. An inspection by a structural engineer was commissioned, (Tim Smith of Carter Clack) who reported on 16 June 2010 that:

"The quality of the inner skin masonry wall construction is very poor. There are missing bricks, cracks, loose material and bricks that have been laid on edge. There is however a stone corner elbow tie but it seems to have de-bonded from the rest of the panel.

I therefore recommend that all loose and damaged brickwork be replaced to the inner skin brickwork. It may be that once you start with this you end up replacing the whole of the masonry panel as it is poor condition."

3. Subsequently, an estimate for these additional works was produced by the contractors currently at work on the internal redecorations (RAB Building Services Ltd). This comprehensively covered the works required or likely to be required, at a cost of £4,310 (excluding VAT).

4. The Tribunal made directions on 5 July 2010, in which provision was made for all parties to comprehensively adduce information and evidence in support of, or opposition to these applications. The Tribunal has received no objections to the application from any of the Respondents, but only the Applicant's Statement of Case (and supporting documents). As directed this matter was determined on the papers only as an oral hearing was not requested in accordance with the directions previously made or at all.

5. The Tribunal is satisfied that the additional works identified are both necessary and reasonable. Although there is no formal structural

surveyor's report, the Tribunal, having regard to the expense that such a formal report entails, is satisfied in these circumstances that the inspection and findings made by Tim Smith of Carter Clack are sufficient. Further, the Tribunal is satisfied that the estimated costs identified are reasonable, although they may be subject to adjustment either "up or down", once the works have been completed. Therefore, the Tribunal determines, that in all the circumstances, it is both necessary and reasonable to grant dispensation of all of the section 20-consultation requirements in respect of these additional major works. The Tribunal is of the opinion that to require the Applicant to comply with the section 20 procedures would unnecessary delay the ongoing works and likely create further expense for the lessees.

6. In conclusion the Tribunal directs that:

- (i) Dispensation pursuant to section 20ZA is granted in respect of the additional major works identified,
- (ii) The estimate costs of these additional major works are reasonable.

Chairman: LM Tagliavini



Dated: 4 August 2010