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

<b>Case Reference:</b>	LON/00BK/LDC/2012/0012
<b>Premises:</b>	23 -25 Rutland Gate London SW7 1PD
<b>Applicant(s):</b>	23/25 Rutland Gate Freehold Limited
<b>Representative:</b>	Marr Johnson and Stevens LLP
<b>Respondent(s):</b>	12 Lessees of 23/25 Rutland Gate (see list attached)
<b>Representative:</b>	Not appearing
<b>Date of paper determination :</b>	13 <sup>th</sup> March 2012
<b>Leasehold Valuation Tribunal:</b>	P L Leighton LLB (Hons)

**DECISION**

**Introduction**

- 1 By an application dated 3rd February 2012 the applicant landlord applied to the tribunal for an order under section 20 Z A of the Landlord and Tenant Act 1985 dispensing with the consultation provisions of section 20 of the Act

- 2 Directions were given on 7<sup>th</sup> February 2012 and the application was allocated to the paper track for determination in the week commencing 12<sup>th</sup> March 2012
- 3 Copies of the directions were sent to each of the respondent leaseholders who were invited to respond by 19<sup>th</sup> February 2012 if they wished to oppose the application. To date none of the leaseholders has objected and the matter has proceeded as an unopposed application.

### **The Facts**

- 4 Marr Johnson and Stevens LLP Limited took over management of 23/25 Rutland Gate London SW7 ("the property") on 1<sup>st</sup> February 2012. The property is a converted Victorian property comprising 12 flats which are supplied with hot water by means of two boilers.
- 5 One of the boilers at the property failed on seventh January 2012. The service contract for the building was called after the Porter had reported a leak on one of the units which were reported as being beyond repair. As this type Peter was now obsolete and replacement parts were no longer available, the heating company provided a quote for the replacement of. The previous agents sought an alternative quotation prior to the present managers taking over the property.
- 6 Prior to the new manager taking over they obtained a further quotation from UK Heating Engineers Limited in the sum of £7990 plus VAT which was lower than the other quotations.
- 7 The managers issued the first stage statutory notice of intention to all of the leaseholders by e-mail and post on second February 2012. The notice was dated to commencement of February 2012 to allow for posting. Arrangements were made with the landlord to carry out the consultation process whilst at the same time making the present application to the tribunal for dispensation. This was done areas it was considered that the work required to be done urgently and there was a strong suspicion that the second boiler might also fail which would mean that residents would be without a hot water supply.

- 8 The only observations received from the tenants word to prompt the agents to deliver the works and install the new hot water cylinder none of the leaseholders has objected to the work being carried out and all appear to be anxious for it to proceed as quickly as possible.
- 9 Given the age of the remaining boiler, the time of year and risk that if the second boiler fails tenants would be without hot water the agents decided to make an urgent application for dispensation. If the remaining hot water cylinder were fatal the leaseholders/residents would be required to find alternative accommodation which would result in considerable additional expense.

### **The Tribunal's Decision**

- 10 The tribunal is satisfied on the available evidence that the agents took all reasonable steps to deal with what was an emergency situation. They also endeavoured as far as possible to keep the leaseholders informed about works and the likely cost. It is to be noted that the cost of works is likely to amount to about £18,000 plus which would amount to payment of about £1,500 per lessee as against the statutory cap of £250.
- 11 in the the circumstances the tribunal considers both that the agents acted reasonably and that no leaseholder was prejudiced as a result of the action taken, which was of considerable benefit to the leaseholders as a whole. The tribunal has therefore decided to grant dispensation under section 20ZA as requested.

Chairman            Peter Leighton  
Date                 13<sup>th</sup> March 2012

