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

Case Reference: LON/00BK/LDC/2012/0040

Premises: Eyre Court, Finchley Road London NW8 9TT

Applicant: Eyre Court Residents Limited

Representative: Trust Premier Management, managing agent

Respondents: The long leaseholders of the residential flats listed in the application

Representative:

Date of hearing: Determination on papers

Leasehold Valuation Tribunal: Ms E Samupfonda LLB (Hons)
Ms J Dowell, BA (Hons)

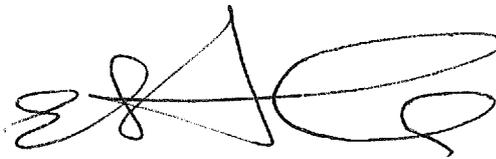
Date of decision: 11 June 2012

Decision of the tribunal

- (1) The applicant is the freehold company, the members and directors of which are leaseholders at Eyre Court. Eyre Court is a mixture of 2-4 bedroom flats in a purpose built mansion block of 126 luxury flats.
- (2) There are four Andrews water heaters at Eyre Court which supply hot water to all 126 apartments. Two of these heaters are non functional. One failed in late 2011 and the other failed in March 2012. As a consequence, the hot water heating capacity at Eyre Court is reduced by 50%. A decision was made by the Applicant (ECRL) in January 2012 to commence a programme of complete plant replacement.
- (3) The Notice of Intention was served on 22nd March 2012. The consultation period was stated to expire on 24th May 2012. This date was incorrect and the consultation period expired on 24 April 2012.
- (4) On 21st March 2012, the Applicant decided to obtain tenders for the replacement of the two failed hot water heaters as an urgent stand alone project with equipment which would be compatible with the whole new system to be installed later in the year. Tenders were obtained and the results presented to the Trust on 11th April 2012 and a decision was made on 16th April to proceed with the lowest tender of £30, 946.72 plus VAT from Brith Services.
- (5) In a letter dated 16th April 2012, the leaseholders were given details of the three estimates and an explanation as to why the full consultation process could not be followed. The letter refers to the "catastrophic disruptions" should one or both of the remaining heaters fail. The Applicant made a decision to instruct Brith Services to proceed with the works and to make this application for dispensation. This letter also informed the lessees as to the correct expiry date of the consultation period in the Notice of Intention dated 22nd March 2012.
- (6) The application to dispense with the consultation requirements under section 20 of the Act was made on 16th April 2012 and Directions issued on 18th April 2012. In the application, the Applicant described the qualifying works as "the replacement of two failed Andrews water heaters."
- (7) In a letter dated 24th April 2012, a copy of the Directions and a copy of the application were sent to all the lessees. This letter also explained that a third water heater had now failed.
- (8) No response was received from any of the lessees to the letters of 16th and 24th April 2012.

- (9) Under s20ZA of the Act the Tribunal may dispense with the consultation requirements "if satisfied that it is reasonable."
- (10) Having considered the documents submitted by Applicant in accordance with the Directions dated 18th April 2012, the Tribunal is satisfied that it is reasonable to dispense with the consultation requirements under section 20ZA of the Act in relation to the replacement of the two failed Andrews water heaters referred to in the application dated 16th April 2012.
- (11) Nothing in this decision granting dispensation should be taken as endorsing either the reasonableness of the cost of the works or the quality of the work either of which maybe the subject of a future application. Further this decision is limited to the matters set out in the application.

Chairman: Evis Samupfonda



Date: 11th June 2012