

8247



HM Courts
& Tribunals
Service



Residential
Property
TRIBUNAL SERVICE

LONDON RENT ASSESSMENT PANEL

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

Case Reference: LON/00BK/LDC/2012/0090

Premises: Flats A – N, 17/18 Westbourne Street, London
W2 2TZ

Applicant: Goldflame Properties Limited

Representative: Gordon & Co

Respondents: Babatunde T Olanrewaju (Flat A)
H Ashmawi (Flats B and D)
Sana Said El Lishani (Flat C)
Sheikh A S M J Tayeb, J A S, T A S and N A S
Tayeb (Flat E)
U Ai Lien (Flat F)
J Vakil (Flat G)
Mr and Mrs R Harris (Flat H)
A Draganic (Flat J)
W Beasleigh (Flat K)
R G Porter (Flat L)
Mr and Mrs J D Hilton (Flat M)
L Al Hilfi (Flat N)

Date of determination: 2 October 2012

Tribunal: Margaret Wilson
Marina Krisko FRICS
John Barlow FRICS

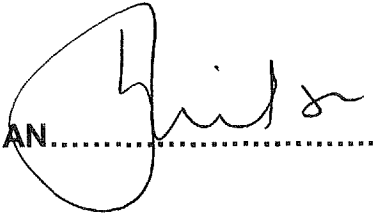
1. This is an application by the landlord of a converted building containing 13 flats under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") for a determination that compliance with the statutory consultation requirements should be dispensed with in relation to urgent works which are required to remedy water leaks through the roof of the building which are causing damage to one of the flats. The landlord was directed to send copies of the tribunal's pre-trial directions to the respondent leaseholders and appears to have done so. The leaseholders were directed to indicate in writing whether they consented to or opposed the application and whether they wished for an oral hearing. The leaseholder of one of the flats has written to say that he consents to the application and none of the leaseholders has indicated that he or she opposes it and none has asked for an oral hearing.

2. This determination is accordingly made on the basis of written representations and without an oral hearing in accordance with the procedure set out in regulation 13 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003.

3. Section 20ZA of the Act gives the tribunal the discretion to dispense with the relevant statutory consultation requirements, the relevant requirements in the present case being set out in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003 ("the Consultation Regulations"), if it is satisfied that it is reasonable to dispense with them. In the present case the landlord has given the first notice required by the Consultation Regulations but considers that the works require to remedy the water penetrations are too urgent to allow for further statutory consultation.

4. Having read the application and the documents lodged by the landlord, we are satisfied that it is reasonable to dispense with further compliance with the consultation requirements. It is clear that the works are urgent and that it is reasonable in the circumstances to dispense with compliance with the Consultation Regulations.

5. We emphasise that this is not a determination that the cost of the works will necessarily be reasonably incurred and recoverable as a service charge.

CHAIRMAN.....

DATE: 2 October 2012