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LONDON RENT ASSESSMENT PANEL



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

Case Reference: LON/00AG/LDC/2012/0149

Premises: 11 Frognal, London NW37 6AL

Applicant: Dr TSV Bostock

Representative: Martin Russell Jones

Respondents: Mr BMA Paul (Flat 1)
Mr & Mrs J Hilton (2)
Mr IA Jacobs (3)
Ms L Mizrahi (4)
Ms D Dajani & Ms O Baidas (5)
Mr J Cooper (6)
Ms W Pan (7)
Mr DA Joyce (8)
Mrs D Brahams (9)

Leasehold Valuation Tribunal: Mr NK Nicol

Decision of the Tribunal

The Tribunal has decided to grant dispensation from the statutory consultation requirements for the purposes of the proposed additional works. This decision is not relevant to the reasonableness of the works or their cost.

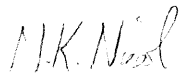
Reasons for Decision

1. By a decision dated 17th September 2012 the Tribunal granted the Applicant dispensation under section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements under section 20 in relation to damp-proofing works to the basement of the subject building

(ref: LON/00AG/LDC/2012/0092). The urgency of the works has not changed but the contractors, in exposing one of the walls, have discovered wet rot decay. By letter dated 5th November 2012, Mr RH Smith CTIS CRDS of Bryhill Technicians set out the nature of the problem and the proposed remedy.

2. The Applicant now seeks a further determination dispensing with the statutory consultation requirements in relation to this additional work as well, the total cost of which they put at £10,809.48 inclusive of professional fees and VAT. The application was issued on 6th December 2012.
3. The Tribunal issued directions on 14th December 2012 providing for the lessees to be notified of the proceedings and giving them the opportunity to take part. The Applicant's solicitors complied with the directions by writing to the lessees on 19th December 2012. In similar circumstances in relation to the previous application, the lessees who responded were supportive of the works and did not oppose the application. On this occasion, no lessees have responded or sought to challenge the current need for the proposed works or the basis for claiming urgency and dispensation from the consultation requirements.
4. In the circumstances, the Tribunal is satisfied that it is reasonable to dispense with the statutory consultation requirements.

Chairman:



NK Nicol

Date:

22nd January 2013