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**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/00AW/LDC/2013/0003

**Premises:** 76 Sloane Street, London SW1X 9SF

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**Applicant** 76 Sloane Street Management Limited

**Representative:** Douglas & Gordon (managing agent)

**Respondent(s):** Mrs M Shammas  
His Excellency Sheikh J Al-Sabah  
Cadogan Estates Limited  
Mancob Holdings SA  
Mr S Shammas and Miss S Shammas

**Representative:** None

**Leasehold Valuation  
Tribunal:** Mr L Rahman

**Date of decision:** 18.2.13

## **Decision of the Tribunal**

- (1) The Tribunal determines it is reasonable to dispense with the relevant consultation requirements.

### **The application**

1. An application has been made under s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for a determination that all or any of the consultation requirements in relation to works to be undertaken by the Applicant may be dispensed with if the Tribunal was satisfied it was reasonable to dispense with such requirements.
2. The Applicant confirmed it was happy for the application to be dealt with on paper if the Tribunal thought it appropriate. There was a Pre Trial Review on 8.1.13. The Tribunal considered that if none of the Respondents requested an oral hearing then it would be appropriate for the application to be dealt with in this manner (without a hearing). None of the parties requested an oral hearing so the matter was listed to be dealt with on paper.

### **The background**

3. The property which is the subject of this application is a purpose built five-storey residential property with 7 self contained flats.
4. The occupant of flat 3, on the second floor, complained of damp in August 2012. An inspection was carried out and a quote was obtained for the necessary works to be carried out by use of a cherry picker. The cost was estimated at £630.00 + vat (which was within the cost threshold and would not have engaged the s.20 consultation requirements).
5. It then transpired the work could not be carried out by use of a cherry picker as there is a bus stop outside the building and an application would have to be made to suspend the bus stop, which would be costly and time consuming. It was necessary to erect a scaffold.
6. In the meantime, the occupant of flat 3 stated in an email dated 7.11.12 "I urgently need an update on the works to rectify the penetrating damp in the bedroom. Rain water is seeping through from the exterior into the bedroom wall at the front of the flat and is getting progressively worse. Our builders have said it is likely to be connected with the rain water gulley running down the front fascia of the building".
7. A quote was obtained on 4.12.12 for the necessary works to be carried out. The cost of the scaffolding and alarm was £1,385.00 + vat and the provisional cost of the inspection and repairs was £1,400.00 + vat.

8. On 10.12.12 the Applicant wrote to the Respondents informing them of the need to carry out the works and the estimated costs. The Applicant enclosed with the letter an s.20 Notice inviting comments and any suggested person from whom a quote should be obtained. The consultation period ended on 10.1.13. (The Applicant has not received any response from any of the Respondents).
9. The Applicant made its application to the Tribunal on 2.1.13.
10. The Respondents would each be responsible for the proportion required under the terms of their leases.

### **The Applicant's case**

11. The Applicant states the work could not be carried out by use of a cherry picker. The contractor tried to reach the relevant area from around the corner but this did not work. The only option was to erect scaffolding to the front. The Applicant obtained 2 quotes and chose the cheapest option.
12. The Applicant states the leak was getting quite bad and to wait for the completion of the consultation process would have meant the damage to the flat being more severe. The work was to be carried out on 10.1.13.
13. The contractor stated in an email dated 18.1.13 that an external inspection was carried out on 15.1.13 by use of the scaffolding. The contractor identified problems with rainwater breaching / over spilling the hopper (at the fourth floor level) and causing the wall behind to become wet, a previous scaffold support peg had not been filled adjacent to the window, and a small section of mortar pointing to the brickwork was eroded at the third floor level.

### **The Respondent's case**

14. No representations have been received from the Respondents, nor any objection to the application, despite the Directions issued by the Tribunal at the Pre-Trial Review.

### **The Tribunal's decision**

15. The Tribunal can only make a determination to dispense with the consultation procedure if it is satisfied that it is reasonable to do so. The purpose of the procedure under s.20 of the 1985 Act is to ensure that the long leaseholders do not suffer any prejudice when they are asked to pay for works that cost in excess of £250 per flat. The legislation recognises that there may be instances of urgency where the lengthy consultation process, designed to give the long leaseholders full information about the works and to enable them to make comments and propose a contractor to be asked to provide a quote, cannot be

followed and that is the reason for the dispensation provisions under s.20ZA of the 1985 Act.

16. This is an unopposed application. The Applicant has attempted to comply with as much of the formal consultation requirements as possible. The Applicant served the necessary s.20 Notices on 10.12.12, to which the Respondents have not provided any response. The Tribunal find the work is of an urgent nature. Delaying the work would cause further significant damage and may increase the overall cost in the long run.
17. For the reasons given, the Tribunal is satisfied it is reasonable to dispense with the relevant consultation requirements contained in s.20 of the 1984 Act.
18. The dispensation of any or all of the requirements of s.20 of the 1985 Act does not indicate that the cost itself is reasonable or that the work / service is of a reasonable standard. The Respondents may, if they wish, make a subsequent application under s.27A of the 1985 Act, challenging either the need or quality of such works, the recoverability of the cost under the lease, or the level of the cost.

#### **Application under s.20C and refund of fees**

19. The Applicant has not made an application under Regulation 9 of the Leasehold Valuation Tribunals (Procedure) (England) Regulations 2003 for a refund of the fees that had been paid in respect of the application. The Respondents have not applied for an order under section 20C of the 1985. Accordingly, no orders are made.



Chairman: L Rahman

Date: 18.2.13