

LON/00AK/LDC/2009/0062



**Residential
Property
TRIBUNAL SERVICE**

LANDLORD AND TENANT ACT 1985, AS AMENDED SECTION 20ZA

**LEASEHOLD VALUATION TRIBUNALS (PROCEDURE) (ENGLAND)
REGULATIONS 2003.**

Correction Certificate under Regulation 18(7) of the above Regulations:

37 CROYLAND ROAD, LONDON, N9 7BB

As Chairman of the Leasehold Valuation Tribunal, which decided the above-mentioned case, I hereby correct a typographical error and clarify that the word "not" should be deleted from the second line in paragraph 13(c). The paragraph will now read as:-

"Two of the quotations were obtained as long ago as July and August 2008 and presumably are out of time. In addition both quotations were addressed to the lessee of Flat 37D and not, as one would have expected, to the landlord Applicant."

Chairman: Mrs J S L Goulden JP

A handwritten signature in black ink, appearing to read 'J S L Goulden', written over a dotted line.

Date: 22 September 2009

**LEASEHOLD VALUATION TRIBUNAL for the
LONDON RENT ASSESSMENT PANEL**

DETERMINATION BY THE LEASEHOLD VALUATION TRIBUNAL

**APPLICATION UNDER S 20ZA OF THE LANDLORD AND TENANT ACT 1985,
as amended**

REF: LON/00AK/LDC/2009/0062

Address: 37 Croyland Road, Edmonton, London N9 7BB

Applicant: The Alan Matthey Group

**Respondent: The lessees of Flats A, B, C and D, 37 Croyland Road,
Edmonton, London N9 7BB**

Tribunal: Mrs JSL Goulden JP

1 The Applicant, who is the landlord of the above property ("the property") which comprises four flats, has applied to the Tribunal through its managing agents, Silkra & Co. Ltd., by an application dated 3 August 2009, and received by the Tribunal on the same date, for dispensation of all or any of the consultation requirements contained in S20 of the Landlord and Tenant Act 1985, as amended ("the Act").

2. The Applicant requested a paper determination and no request has been received from any of the Respondents for an oral hearing.

3. In accordance with Directions issued by the Tribunal on 13 August 2009, this matter was dealt with by way of a paper hearing held on 3 September 2009. Written representations were received on behalf of the Applicant.

The Applicant's case

4. The Applicant's statement of case, attached to the application of 3 August 2009 stated, inter alia, that the works to be carried out were "*replacement of rendering where defective and/or missing. Replacement of side window to 37d. Repairs to soil pipe at rear of the property. Repairs to brickwork along front paved area*". It was also stated that on 29 July 2009 "*loose rendering came away from wall, crashing onto roof of adjoining premises*". Photographs were provided in support.

5. As to consultation which had been carried out, the application stated "*Section 20 Notices sent to leaseholders on 8 July 2009 – period ends 8 August 2009*".

6. As to the reasons why dispensation or all or part of the consultation requirements were sought, the application states *"it is vitally important that repairs are carried out immediately not only to prevent further damage to the building but also remove the real danger of someone getting seriously injured"*.

7. The Applicant's managing agents also supplied a further statement of grounds for dispensation attached to a letter to the Tribunal dated 27 August 2009. This stated:

"Firstly, immediate repairs are required to Flat 37d Croyland Road London N9 7BB because loose rendering has fall off the right hand exterior wall, crashing onto the roof of adjoining premises and the ground below. In our opinion there is a real danger of someone getting seriously inured by falling masonry. Secondly the leaseholder of Flat 37d has serious health issues which could possibly deteriorate unless the remedial work is carried out immediately. Thirdly, with the recent extremely wet weather conditions, rain water is seeping into and behind the rendering which could cause possible ingress into the brickwork and thereby deteriorate the already precarious condition"

The Respondents' case

8. No representations were received from any of the Respondents save for a letter from the lessee of Flat D at the property dated 14 August 2009 confirming that he consented to the application and agreed to the dispensation from full consultation.

The Tribunal's determination

9. The Tribunal must have a cogent reason for dispensing with the consultation requirements, the purpose of which is that tenants who may ultimately foot the bill are fully aware of what works are being proposed, the cost thereof and have the opportunity to nominate contractors.

10. In the application, it is stated that S20 Notices were sent to the lessees on 8 July 2009 with the consultation period expiring on 8 August 2009, but the Applicant has not provided copies of any such documentation and/or correspondence between the parties as it was directed to do.

11. In the Tribunal's Directions of 13 August 2009, it is noted *"The Applicant also seeks dispensation in respect of other qualifying works being the replacement of the side window to Flat 37D, repairs to the soil pipe at the rear of the property and repairs to brickwork along the front paved area. The Applicant has given no reason why these works are urgent"*. This aspect is not addressed in the Applicant's representations.

12. In the Applicant's statement of 27 August 2009, reference is made to the *"serious health issues"* of the lessee of Flat 37D, but no reference is made to those health issues in the application itself and neither have any details of such health issues which may support the application been provided.

13. The Applicant has provided copies of three quotations received in the sums of £3,264 plus VAT (Moyglen Construction Ltd), £5792 plus VAT (Newman &

Higgins) and £9250 (Building Services – Mariusz Cichon). These are unsatisfactory in that:

- (a) The Applicant has not indicated which contractor was chosen or even whether these were the contractors referred to in the S20 Notices said to have been sent to the lessees in July 2009
- (b) One of the quotations was dated 3 August 2009 and therefore that contractor presumably could not have been referred to in the S20 Notice which was said to have been sent to the lessees in July 2009.
- (c) Two of the quotations were obtained as long ago as July and August 2008 and presumably are not out of time. In addition both quotations were addressed to the lessee of Flat 37D and not, as one would have expected, to the landlord Applicant.
- (d) The highest quotation was not only dated July 2008 and addressed to the lessee of Flat 37D but did not appear to be on proper letter heading and was without a VAT registration
- (e) None of the quotations appear to refer to repairs to the soil pipe at the rear of the property or repairs to the brickwork along the front paved area as referred to in the application for dispensation and as identified by the Procedural Chairman in the Tribunal's Directions of 13 August 2009

14. Full consultation has not taken place in this matter, and in the particular circumstances of this case and for the reasons set out above, the Tribunal sees no reason why full consultation should not take place.

15. The Applicant's application under S 20ZA of the Act is therefore dismissed.

16. It should be noted that in making its determination, and as stated in Directions, this application does not concern the issue of whether any service charge costs are reasonable or payable by the lessees. The Tribunal's determination is limited to this application for dispensation of consultation requirements under S20ZA of the Act.

CHAIRMAN..........

DATE3 September 2009.....