

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
LEASEHOLD VALUATION TRIBUNAL**

Case nos : **CAM/26UK/LDC/2007/0002**

Property : **1-12 & 14-43 The Spinney, Church Road, Watford, Herts WD17 4QF**

Applications :
 a. For determination of liability to pay service charges (increase in proposed cost of roofing works since previous decision)
 b. Dispensation with statutory consultation requirements in respect of curtain walling (windows to common parts)

Applicant : **Reo Estates and Property Management Company Limited, c/o Rayners, The Old Parish Hall, Godstone, Surrey RH9 8DR**

Respondents : **The lessees of all flats on the estate, as listed in the two applications**

DECISION (PAPER DETERMINATION)

Handed down : 23rd April 2007

Tribunal : **G K Sinclair, Miss M Krisko BSc (Est Man) FRICS,
& L Jacobs FRICS**

1. This decision is supplemental to one handed down on 29th November 2006 following an inspection on Friday 24th November and a determination made on written submissions [see Case ref CAM/26UK/LSC/2006/0034 & 0053]. In the circumstances the tribunal does not consider it necessary to repeat here the detail of the charging provisions in the lease or a description of the premises as found on inspection in November 2006.
2. In that earlier decision, at paragraph 18, the tribunal approved the cost of the roofing works. This was despite some concern that the tenders were quite old and the prices may not still hold good. However, insofar as the proposed replacement of the curtain walling to the stairways was concerned, the tribunal was uncomfortable with the fact that there were only two tenders, with widely divergent prices and about which insufficient detail had been provided. Again it was concerned that prices, adjusted as long ago as August 2005, were unlikely to hold nearly a year and a half later. Whilst there had been no objection by any of the leaseholders the tribunal could not satisfy itself on the evidence that the cost was reasonable. In paragraph 24 of that decision it was therefore suggested that the tribunal would view favourably an application under s.20ZA following a fresh invitation to tender for this work.
3. On 5th March 2007 Rayners, the managing agents, made a fresh application dealing with two points. First, the tribunal's earlier concern whether the price for the roofing works would still hold after this length of time has proven correct. The reason is that Building

Regulations have changed and the required minimum thickness of insulation has doubled to 100mm. Secondly, the agents had obtained fresh tenders for the curtain walling and dispensation from all the consultation requirements was sought under s.20ZA.

4. Whilst the explanation by Breyer for the additional £12,500 for the increased insulation is rather brief and unparticularised the tribunal is satisfied that, as a percentage increase, it is not unreasonable; and that it is important that the work be allowed to proceed as quickly as possible without further delay caused by requests for further information. To that extent the approval granted by the tribunal in paragraph 18 of its earlier decision is varied to an approval of the new higher figure.
5. Insofar as the curtain walling is concerned the tribunal notes that the agents have now received a fresh quote from Pro-fix (now called CWCWC) and another from a company which had not previously submitted a tender, viz Faberdex Limited. The new quotes are £155,023.12 plus VAT and £219,409.00 plus VAT respectively. In the circumstances Rumball Sedgwick, the chartered surveyors who seem to have been handling the tendering process, have recommended that the CWCWC quote be accepted. The tribunal agrees that the increase in price from that of £140,783.35 quoted several years ago is both reasonable and to be expected.
6. Again, as the application has produced not a single response from any of the leaseholders and the tribunal was informed during the inspection in November that everyone was keen to get on with the work, the requirement to consult any further shall be dispensed with and the agents can proceed to sign contracts at their earliest convenience. They need only inform the leaseholders that the contracts have been awarded, of likely start dates, and invite observations on practical aspects of the construction process (access to flats, which blocks to start first, working hours, etc).

Dated 23rd April 2007



Graham Sinclair — Chairman
for the Leasehold Valuation Tribunal