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LON/00AH/LDC/2007/0016
DECISION OF THE LEASEHOLD VALUATION TRIBUNAL
ON AN APPLICATION UNDER SECTION 20ZA OF
THE LANDLORD AND TENANT ACT 1985, AS AMENDED.

Address: 177 Selhurst Road, South Norwood, London SE25 6LG

Applicants: Newservice Limited

Respondents: Mr Richard & Patrick Boakye Flat A
Mr David Costello Flat B
Ms Yetunde Abdul-Ahmed Flat C

Hearing Date: 10 April 2007

Date of Decision: 10 April 2007

Appearances None For Applicants

Mr Patrick Boakye For Respondents

Members of the Tribunal: Mrs T Rabin (Chairman)
Mr R A Potter FRICS

LON/OOAH/LDC/2007/0016

177 SELHURST ROAD LONDON SE26 6LG

INTRODUCTION

1. The Tribunal was dealing with an application under Section 20ZA of the Landlord and Tenant Act 1985 as amended ("the Act") for a determination that the consultation requirements in relation to qualifying works may be dispensed with if the Tribunal considered it was reasonable to dispense with such requirements.
2. The Application was made in respect of 177 Selhurst Road London SE26 6LG ("the Property") by Newservice Ltd, the freeholder of the Property ("the Applicant). The Respondents are Richard and Patrick Boakye (Flat A), David F Costello (Flat B) and Ms Yetunde M Abdul-Ahmed (Flat C). The application related to the roof works, external decoration, replacement of windows and erection of a boundary wall as set out in a specification of works prepared by Eme Kalu, a copy of which appears in the Applicant's bundle.

INSPECTION

3. The Tribunal inspected the Property on the morning of 10th April 2007, accompanied by Mr B Mars ton and Mr Gunning on behalf of the Applicant. The Property was a three storey semi-detached house converted into three flats, each with a separate entrance. The exterior elevations of the Property had been rendered and appeared to be shabby but serviceable.
4. The main pitched roof which had a slate covering was in poor condition to the rear and extremely bad to the more exposed front elevation where a large number of slates had already slipped, were missing or in danger of falling. There was small section of slate roof over the back addition which appeared in fair order, although a poor repair had been made to the ridge. In the main the guttering was the original cast iron but with a section of plastic around part of the back addition. All fascias and soffits were in need of attention. Downpipes were in plastic and serviceable but with a shabby appearance.
5. The Property had UPVC windows on the ground floor and top floor throughout and also to the flank wall of the first floor, although the windows to the remainder of the first floor were timber casements that had been replaced a number of years ago and were now in poor condition to the rear and extremely poor to the front elevation with rot to cills, frame and missing putty.
6. There was evidence of a former single brick boundary wall, just above ground level to the front and side boundaries of the front garden. All

other brickwork that may have existed had since disappeared and it appeared that this situation had been in existence for some time.

7. The Tribunal was able to gain access to the top floor and first floor flats which confirmed the above observations made externally.

THE PROCEEDINGS

8. The parties had agreed that the matter could proceed by way of a paper hearing. Mr Boakye and Ms Abdul Ahmed subsequently requested that there was a hearing and Mr Boakye attended, representing both himself and Ms Abdul- Ahmed. There were no representations by Mr Costello. The hearing took place at 1 pm on 10th April 2007 and only Mr Boakye attended.
9. Mr Boakye expressed concern about the condition of the roof which was causing water ingress to the top floor flat. Complaints had been made, particularly by Ms Abdul-Ahmed but the Applicant had not undertaken any work. He stated that there was a history of the Applicant neglecting the Property with a failure to attend to repairs at the appropriate time and in his opinion charging excessively for work actually undertaken.
10. Mr Boakye said that the exterior decoration was not urgent in his opinion, even though the Tribunal explained that subsequent external decoration would probably incur additional scaffolding charges. He also expressed the view that the wall had been in the same condition for some time and did not consider that the erection of a small wall approximately 600 mm high would serve any useful purpose. He also expressed surprise that there was an item for replacement of the windows of the first floor flat as he believed that the windows were the responsibility of the individual lessees, although the external decoration is the responsibility of the Applicant.
11. It was evident from the Applicant's bundle that the Respondents had been notified of the scope of the proposed works by letter dated 21st December 2006, inviting a response within 35 days, ending 25th January 2007. As far as the Tribunal is aware, no response was received from any of the Respondents, although Ms Abdul-Ahmed subsequently sought help from the Citizens Advice Bureau which appears to have instigated a Section 16 Notice to the Applicant dated 15th March 2007, dealing with disrepair to Flat C. The Applicant [received tenders in February 2007 and this prompted the current application in view of the urgency of the matter. The Respondents received copies of these quotes at the same time as they were notified of the application to the Tribunal.

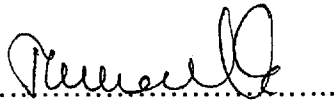
DECISION

12. The Tribunal was hampered by an ill-prepared bundle and sketchy application. It was clear from a perusal of the Leases that the individual lessees were responsible for replacement of the windows whilst the Applicant is responsible for redecoration. Thus the replacement of the windows to the first floor flat should not be included in this application.
13. The roof of the Property is in a very poor state and is in need of urgent attention. Indeed, the Respondents, particularly Mrs Abdul-Ahmed, have been urging the Applicant to attend to the roof for some time. The Applicants have in fact received two quotes and the Respondents have been served with copies and have therefore been aware of the potential cost since early March.
14. The external decorations are not in such condition as to warrant dispensation with the consultation process under Section 20. Mr Boakye, having consulted by telephone with Ms Abdul Ahmed did not wish the redecoration to be undertaken at this time, even though he was aware that there may be an extra cost for scaffolding at a future date.
15. There was no dangerous wall in existence and the replacement of any former boundary wall cannot be regarded as an urgent item justifying dispensation with consultation.

CONCLUSION

16. The Tribunal determines that it was reasonable in all the circumstances for the consultation requirements of Section 20 of the Act to be dispensed with in accordance with Section 20 ZA of the Act (as amended) in relation to the following items referred to in the specification of works prepared by Eme Kalu Associates and dated December 2006:-

1.14, 2.01-2.05 (inclusive), 2.08, 2.09, 3.03- modified to reflect existence of UPVC gutters to part of back addition, 3.04.
Provisional sums 4.03-4.05 (inclusive) as can be reasonably justified
17. The Tribunal determines that the remaining items referred to the said specification should be the subject of full consultation as and when these are undertaken.



Chairman

DATE; 10th April 2007

TRIBUNAL

Mrs T I Rabin
Mr R Potter

Chair