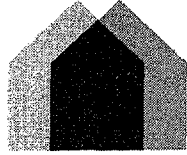


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**Residential  
Property**  
TRIBUNAL SERVICE

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE  
DECISION BY LEASEHOLD VALUATION TRIBUNAL for the  
LONDON RENT ASSESSMENT PANEL**

Application pursuant to section 20ZA of the Landlord & Tenant act 1985 (as amended) ("the Act")

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**Ref: LON/00AH/LDC/2007/0024**

**Property:** 18 Penge Road, South Norwood, London SE25 4EX

**Applicants:** G & O Properties (London) Ltd

**Respondents:** The Lessees

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**Background**

1. The Applicant sought dispensation from the consultation requirements under s.20 of the Landlord and Tenant Act 1985 (as amended) ("the Act") in Connection with the erection of scaffolding to arrest structural movement to the front left hand side and party wall of the subject property.

2. The s.20ZA application dated 30 March 2007 was made by the Applicant on the basis that the front elevation of the property was unstable and there was a perceived risk of collapse.
3. The Applicant had instructed Mr Bernard Iles, MCIAT, who advised in two reports dated 28 March and 20 April 2007 that recommended major structural works be carried out mainly to the front elevation. In the interim to arrest further movement to the front elevation, he advised that scaffolding be erected to support the structure. He estimated that the cost of doing so was £1,750 plus VAT. Scaffolding was in fact erected on 5 April 2007. The Applicant's managing agent notified the Respondents of these matters on 5 April 2007. No response was made by any of the Respondents.
4. Directions were issued by the Tribunal on 19 April 2007. The Tribunal considered that this matter was suitable for a paper determination provided that none of the Respondents requested a hearing. No such request was made by any of the Respondents nor were any representation received from them.

### **Decision**

5. The Tribunal's determination took place on 30 May 2007. The Tribunal did not inspect the subject property. Its determination was made solely on the basis of the documentary evidence before it.
6. Section 20ZA provides the Tribunal with a wide discretion to dispense with the consultation requirements of s.20 of the Act where it is satisfied that it is reasonable to do so in the circumstances.
7. In view of the expert evidence contained in the two reports prepared by Mr Iles, the Tribunal accepted that the property was unstable and in need of urgent support provided by the erection of scaffolding to the front elevation. The Tribunal was satisfied that without such action being taken by the Applicant, there was a very real risk of injury to the Respondents and/or members of the public. Accordingly, the Tribunal grants the application that the requirement

imposed by s.20 of the Act for the Applicant to consult in relation to the cost to erect the scaffolding be dispensed with.

8. The Tribunal in granting this application should make it clear that it does not also making a finding that the estimated or actual cost of erecting the scaffolding is reasonable. This application is concerned solely with the requirement on the part of the Applicant to consult. It is for this reason that the Tribunal cannot make such a finding in relation to the application fee, surveyor's fees and the managing agent's administration charges as requested. The Tribunal has no jurisdiction to do so in this application. In the event that those charges are recovered through the service charge account and are challenged by one or more of the Respondents, they will have to be the subject matter of a separate application brought by either party under s.27A of the Act.

CHAIRMAN.....

*J. Mohabir*

Mr I Mohabir LLB (Hons)

Date 30 May 2007