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**H M COURTS & TRIBUNALS SERVICE
LEASEHOLD VALUATION TRIBUNAL**

Case Reference: LON/00AW/LDC/2012/0035

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON
APPLICATIONS UNDER SECTION 20ZA OF THE LANDLORD & TENANT
ACT 1985**

Applicant: 121 Beaufort Street RTM Co. Ltd.
Respondent: The Lessees
Interested Party/Landlord: Orchidbase Ltd.
Property: 121 Beaufort Street, London, SW3 6BS
Date of Application: 3 April 2012
Date of Determination 23 April 2012

Leasehold Valuation Tribunal
Mr I Mohabir LLB (Hons)
Mr P Casey MRICS

Introduction

1. This is an application made by the Applicant under section 20ZA of the Landlord and Tenant Act 1985 (as amended) (“the Act”) to dispense with all/some of the consultation requirements imposed by section 20 of the Act and the Service Charge (Consultation Requirements) England Regulations 2003.
2. This application related to the proposed work to carry out urgent remedial repairs to deal with severe water ingress to the second floor flat and masonry falling on to the street entrance to the property, namely, 121 Beaufort Street, London, SW3 6BS.
3. The Applicant is an RTM company and the lessees of the 3 flats in the building are all members of the company.
4. Directions were given in this matter on 10 April 2012, subsequently varied by a letter dated 18 April 2012. These required the Applicant to serve on each lessee and the interested party a copy of the application and the Directions giving them until 20 April 2012 to write to the Tribunal advising that they either consented to or opposed the application. The Directions also required them to state whether or not they agreed to the matter being dealt with on the basis of written representations.
5. The 3 leaseholders have all written to indicate that they support the application and its determination by written representations. No response has been received from the interested party.

The Law

6. Section 20ZA of the Act provides the Tribunal with a discretion to dispense with the statutory consultation requirements imposed by section 20 of the Act and the Regulations where it is reasonable to do so having regard to all the circumstances.

Decision

7. The determination of this matter took place on 23 April 2012. The Tribunal did not inspect the property.

8. The Tribunal is satisfied on the papers submitted that this is an appropriate case to dispense with all of the consultation requirements in respect of the works the RTM company proposes to carry out on the basis that it is completely unopposed by either the lessees, who will have to bear the cost of the proposed works, or the interested party and clearly much of the work has to urgently undertaken. Accordingly, the Tribunal grants the dispensation sought under section 20ZA of the Act.

Dated the 23 day of April 2012

CHAIRMAN.....I. Mohabir.....
Mr I Mohabir LLB (Hons)