



LONDON RENT ASSESSMENT PANEL

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL ON AN APPLICATION
UNDER SECTIONS 20ZA OF THE LANDLORD AND TENANT ACT 1985**

Case Reference: LON/00AW/LDC/2013/0033

Premises:

31 BRECHIN PLACE LONDON SW7 4RD

Applicants: 31 BRECHIN PLACE MANGEMENT LIMITED

**Respondents: MS C BLACK (basement)
MR S A AUBER (ground floor)
MR & MRS SASSINE (Flat 3)
Mr KARLSSON (Flat 4)
MS BODEN (Flat 5)**

Appearances

There was no appearance for the Appellant

For the Respondents: Ms Boden director of the Applicant

**Leasehold Tribunal Valuation Mrs T Rabin
Mr P Tobin FRICS MCI Arb**

Date of determination: 1st May 2013

THE APPLICATION

1. The Applicant is the management company of 13 Brechin Place SW7 4RD("the Building"). The application was made by Ashby Building Surveyors Limited. The Respondents are the long leaseholders of the flats in the Building.

2. The Applicant sought a dispensation from all or part of the statutory consultation requirements of Sections 20 of the Landlord and Tenant Act 1985 ("the 1985 Act") in relation to replacing the processor unit for the lift control. The matter was urgent as the lift was inoperable without the unit. All the Respondents were notified in writing of the proposed work .

3. There was one quote from Stannah Lift Services Ltd, the company retained to service the lift regularly. This quote was for £1909.71 plus VAT and no other quotes appear to have been sought.

4. The Applicant did not attend the hearing and gave no explanation to apology, even though the direction had made it clear a hearing was required in the light of the paucity of information provided. This is a discourtesy to the Tribunal. However, Ms Boden of Flat 5 did attend but in her capacity as a long leaseholder and not as a director of the Applicant. She said she was unfamiliar with Tribunal procedure but had attended as she considered it was necessary.

5. Ms Boden had no objection and was pleased that the job had already been made and the lift was functioning. She knew that none of the other long leaseholders would be coming and, to the best of her knowledge, none had objected to the works.

Decision

6. The Tribunal found that the Applicant had kept the Respondents informed of the problem with the lift. A quote was obtained from the company that regularly maintains and services the lift. The work was commissioned and there have been no complaints.

7. The Tribunal find that it is 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).
8. The parties should be aware that the Tribunal has not considered the reasonableness of or the liability of the Respondents to pay the cost of the roof repairs, but has limited its decision to whether it would be reasonable for the consultation provisions to be dispensed with and that the Tribunal's decision is limited to those matters.



Tamara Rabin
Chair

1st May 2013