



LEASEHOLD VALUATION TRIBUNAL

LANDLORD AND TENANT ACT 1985 SECTION 20ZA

64 Overstone Road, London W6 0AB

Ref: LON/00AN/LDC/2010/0092

Mr & Mrs Radcliffe

Applicant

**Kishor Khiroya (Flat A)
Jem Management Limited (Flat B)
Clare Radcliffe (Flat C)**

Respondent

Tribunal: Mr M Martynski (Solicitor)
Mr H Geddes JP RIBA MRTPI
Mrs L Walter MA(Hons)

DECISION

Summary of decision

1. The application for dispensation from the consultation requirements of Section 20 Landlord and Tenant Act 1985 dated 25 January 2010 is **granted** in respect of the following works only:-

- The replacement of the roof and associated chimney works to 64 Overstone Road, London W6 0AB ('the Property') as set out in the estimate from Jeff Hoddinott dated 28 August 2010

2. The application for dispensation from the consultation requirements of Section 20 Landlord and Tenant Act 1985 dated 25 January 2010 is **refused** in respect of the following works:-

- Refurbishment of front steps

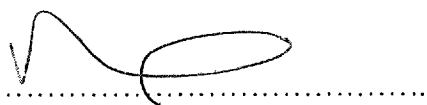
Background

3. The subject property ('the Property') is a Victorian three-storey terraced building converted into three flats.

4. The Applicants have applied for dispensation of the requirement to consult leaseholders in respect of proposed works to the roof and the front steps of the Property.
5. The Applicants purchased the freehold of the Property in June 2010. From that time until the Applicants' application made to this Tribunal on 8 September 2010 the Applicants had written various letters to the leaseholders of the Property informing them of problems with the roof and front steps and the intention to carry out works of repair.
6. The urgency in respect of the roof is that, after carrying out patch repairs and associated internal repairs to flat C in September 2010, the roof again started to leak with water again penetrating flat C and causing further damage.
7. The urgency in respect of the front steps is said to be that the tiles on the steps are slippery when wet and so present a hazard.
8. The Applicants' application was sent to the Respondents with the Tribunal's directions. Of those leaseholders, two (flats B & C) consented to the application and no response was received from flat A.

The Tribunal's decision

9. The Tribunal concluded that it would be reasonable for the statutory consultation requirements to be waived in respect of the roof for the following reasons:-
 - The roof is leaking despite recent patch repairs having been carried out and is causing damage to the interior of Flat C
 - The Tribunal is satisfied that the work needs to be carried out urgently
 - There is evidence that the roof covering requires replacement
 - Out of three leaseholders, two have supported the application, the other has not objected
 - There has been some limited consultation regarding the works
10. The Tribunal concluded that it would **not** be reasonable for the statutory consultation requirements to be waived in respect of the works to the front steps for the following reasons:-
 - The Applicant's attention was drawn to the issue of the steps by a Surveyor's report dated 29 March 2010 and there is nothing to indicate that condition of the steps has deteriorated since that time to warrant an emergency application and dispensation from consultation.
11. Notwithstanding the Tribunal's decision on dispensation, it is open to any leaseholder to make an application to the Tribunal in the future as to the reasonableness of the subject works or the reasonableness of the cost of them and/or on the question of the costs incurred in this dispensation.



Mark Martynski – Tribunal Chairman

5 October 2010