

Residential
Property
TRIBUNAL SERVICE

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

LANDLORD AND TENANT ACT 1987 – Section 35

Ref: LON/00AN/LVL/2006/0005

Property: 215 Uxbridge Road, London, W12 9DH
Applicant: Mr Padraic O'Sullivan
Representative: Mr Jeremy Pickering
Respondent: Mr Mohammed Sadiq

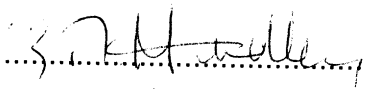
Preliminary

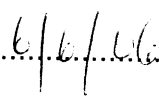
1. On 16 March 2006, the Tribunal received an application under the Landlord and Tenant Act 1987 Section 35 from Mr Padraic O'Sullivan for variation of the terms of two leases regarding Flats A and B, 215 Uxbridge Road.
2. An oral Pre-Trial Review was held on 12 April 2006. Mr Pickering appeared for the Applicant. The Respondents did not appear and were not represented. Directions were issued.
3. On 30 May 2006, the Applicants were informed that the Tribunal was considering dismissing the application because there had been no compliance by either party with the Directions.
4. On 6 June 2006, the Applicant's solicitors sent, with a covering letter, a proposed amended lease.
5. On 27 June 2006, the Tribunal considered the application on the basis of the provided information.
6. The Tribunal accepted that the existing leases of Flats A and B were defective in that they did not make satisfactory provision for the repair, maintenance

and insurance of the building of which the flats form a part and, therefore, in the event of any default on the part of the management company, the landlord is not obliged to perform the management company's obligations.

7. Accordingly, exercising its powers under Part IV of the Landlord and Tenant Act 1987 Section 35(2), the Tribunal orders the variation of the leases only as set out below:-

- (a) Clause 5, Line 11 – Delete “provided always that” and change “if” to “If” to begin a new sentence;
- (b) Clause 5, Line 15 – The word “will” to be substituted for the word “may”;
- (c) Clause 10(a) of Schedule 1 – Insert in brackets after the words “Management Company”, “(or if the Management Company shall cease to exist, the lessor)”;
- (d) Clause 10(b) of Schedule 1 – Insert at Line 3 after “the Management Company”, “or if it shall cease to exist, the lessor”;
- (e) Clause 10(b) of Schedule 1 – Delete “Management Company” and substitute “its”;
- (f) Clause 10(b) of Schedule 1, Line 10 – Insert after “the Management Company”, “or the lessor as the case may be”.

Chairman 

Date 

Tribunal:
Mrs B M Hindley LLB
Mr P Tobin FRICS MCI Arb

JG