

9494



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : LON/00AF/LDC/2013/0105

**Property** : Grace House, 2 Sydenham Avenue,  
Sydenham, SE26 6UJ

**Applicants** : Safesquare Residents Management  
Limited

**Representative** : Mr Matthew Turner, Safesquare  
Residents Management Limited

**Respondent** : The 12 long lessees of the property.

**Type of Application** : Dispensation with Consultation  
Requirements

**Tribunal Members** : Mr Robert Latham  
Mr Michael Taylor FRICS

**Date and venue of  
Hearing** : 6 November 2013  
at 10 Alfred Place, London WC1E 7LR

**Date of Decision** : 11 November 2013

---

**DECISION**

---

The Tribunal determines to allow this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

## **The Application**

1. By an application dated 9 October 2013, The Applicants seek dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 ("the Act"). The property at Grace House consists of a purpose built block of 12 flats.
2. On 11 October, this Tribunal gave directions. The Tribunal noted that the only issue is whether or not to dispense with the statutory consultation requirements. The application does not concern whether the service charges will be reasonable or payable.
3. The Directions required the Applicant to send each of the tenants, copies of the estimates which the landlord has obtained in respect of the works. Any tenant who opposed the application was required to send a statement in response to the application.
4. On 13 October, the Tribunal notified the tenants of the application and the directions. On 16 October, the Applicant notified the tenants of the estimates as required by the Directions.
5. No tenant has taken any step to oppose the application. On 17 October, Simone Mondesir, the joint tenant of Flat 10, and a director of the Applicant Company, notified the Tribunal that the approach taken by the managing agents has her full support.
6. At the hearing, Mr Turner appeared on behalf of the managing agents. No tenant appeared.

## **Background**

7. On 11 July 2013, the London Fire and Emergency Planning Authority (LFEPA) served an enforcement notice requiring the Respondent to upgrade/replace all the front doors to each flat and communal areas with fire resisting doors which comply with the appropriate standards. The required works were to be executed by 5 September 2013. On 22 October, the LFEPA extended this deadline to 31 January 2014.
8. The LFEPA had inspected the property after a fire. The notice further requires the Applicant to carry out a fire risk assessment. We understand that such an assessment was carried out in June 2012. However, the Applicant decided not to carry out the recommended works at the time. The notice also required the installation of emergency lighting. We understand that this work has been put in hand.

9. The Applicant currently does not have sufficient funds in their reserve fund to cover the cost of the works. The Applicant estimates the cost of the works at some £600 per flat.
10. On 7 October, the Applicant informed its tenants of its intention to carry out these works. Tenants were invited to comment on the proposed works and propose a person from whom the landlord should try to obtain an estimate by 6 November. No tenant has responded to this notice.
11. In the meanwhile, the Applicant has obtained estimates from three builders:
  - (i) Euro Fire Protection (15.10.13): £5,880;
  - (ii) Kent Fire Protection Ltd (125.10.13): £5,570 +VAT;
  - (iii) Milton Square Ltd (30.9.13): £1,189.92 per individual door and £1,106.76 per communal door. The total cost is some £15,000.
12. The managing agents are deliberating whether to accept the estimate from Euro Fire Protection or Kent Fire Protection Ltd. They are discussing additional works to the doors of the individual flats (for which the individual tenant will be liable). It may be that Kent Fire Protection offer the more attractive option overall.
13. Were the Tribunal not to accede to this application, the managing agents would take the next step required by the statutory consultation, namely to serve the requisite notice in respect of the estimates. The relevant response period would be an additional 30 days.

### **The Law**

14. Section 20ZA(1) of the Landlord and Tenant Act 1985 provides:

“Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

### **Our Decision**

15. Having regard to the papers before us, the Tribunal are satisfied that it is reasonable to grant dispensation from the consultation requirements. This is justified by the need to urgently carry out the works, not merely

to comply with the deadline specified in the enforcement notice, but also to protect the health and safety of the occupants. No tenant has opposed this application. To require the managing agents to continue with the statutory consultation requirements which they have started would merely add unnecessary delay.

16. Mr Turner is not seeking an order in respect of the refund of the application fee of £440. We were told that this fee has been paid by the Applicant to the managing agents.

Robert Latham

Tribunal Judge

11 November 2013