



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

Case reference : **LON/00AU/LDC/2020/0038P**

Property : **Dickinson Court 15 Brewhouse Yard
London EC1V 4JX;
Gardener Court 1 Brewery Square
London EC1V 4JH;
Cannon Court 5 Brewhouse Yard
London EC1V 4JQ;
Horseshoe Court 11 Brewhouse Yard
London EC1V 4KU**

Applicant : **Brewhouse Yard RTM Company Limited**

Representative : **Warwick Estates**

Respondent leaseholders : **Various leaseholders as per the application**

Representative : **-**

Type of application : **To dispense with the consultation requirements under S.20 Landlord and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint FRICS**

Date and venue of determination : **21 May 2020
P:PREMOTE**

DECISION

Decision of the tribunal

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by any of the Respondents. A face to face hearing was

not held because it was not practicable, no-one requested the same, and all issues could be determined on paper. The documents that I was referred to were emailed to the Tribunal, the contents of which I have recorded.

The Tribunal grants dispensation from all the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to testing the external cladding of the four buildings to ensure that the buildings are safe in terms of fire safety.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) was made by the Applicants on 7 February 2020.
2. The application concerned the testing of the external cladding of the four buildings which comprise 191 flats and 6 commercial units to ensure that the buildings are safe in terms of fire safety.
3. Directions were issued on 10 March 2020 requiring the applicant to prepare bundles by 31 March 2020 to include statements
4. Setting out the full grounds for the application, including all the documents on which the landlord relies and copies of any replies from the tenants;
5. The Leaseholders were asked to confirm by 24 March 2020 whether or not they would give their consent to the application.
6. In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application; and provide copies of all documents to be relied upon.
7. No formal responses were received from the leaseholders.

The Evidence

8. The premises comprise four buildings containing 191 flats and 6 commercial units. The development which also includes six houses is situated on a busy main road close to other residential buildings and local amenities which are in constant use.
9. The works involve removing 6 panels of cladding from each block to allow for testing to ensure that the buildings are safe in terms of fire safety. Temporary fireboard will be used to protect the fabric of the building in the interim and the original panels will be reinstalled after testing. The work is to be undertaken by Future Fire Systems at an estimated cost of £14,250 based on the lower of the two quotes which the managing agents had obtained. The application is said to be urgent, as the safety of the occupants is paramount and the residents are having issues selling and re-mortgaging their flats placing some in financial difficulties.

10. The applicant is the Right to Manage Company.
11. The work was scheduled to take place on 17 March 2020.

The Decision

12. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
13. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed as soon as possible to reduce the risk to health and safety not only to the residents of the block but others visiting the estate and neighbouring properties.
14. For the avoidance of doubt the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.
15. On the evidence before it, and in these circumstances, the Tribunal determines that the application for dispensation be granted.

Name: Evelyn Flint

Date: 21 May 2020

ANNEX - RIGHTS OF APPEAL

- i. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
- ii. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
- iii. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to

appeal to proceed despite not being within the time limit.

- iv. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.