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Case Reference : **LON/00BJ/LDC/2020/0131**

Properties : **604 Lumiere Apartments 58 St
John Hill London SW11 1AD**

Applicant : **Lumiere Freehold Limited**

Representative : **Miss Anja Booth Director**

Respondents : **The 61 long residential leaseholders
and the DCLM Church at 604 Lumi-
nere Apartments**

Representative : **None**

Type of Application : **To dispense with the requirement to consult leaseholders about urgent fire safety measures at 604 Luminere Apartments 58 St John's Hill.**

Tribunal Members : **Mr Duncan Jagger MRICS**

Date and venue of Consideration : **Covid-19 pandemic: description of hearing**
This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was :PAPER REMOTE. A face-to-face hearing was not held because no-one requested the same, or it was not practicable, and all issues could be determined on paper. The documents that I was referred to are in a bundle of 31 pages, the contents of which I have noted.

Date of Decision : **29 September 2020**

DECISION

The Tribunal grants the application for dispensation from all/some of the statutory consultation in respect of the introduction of a two person 24/7 'walking watch, the installation of a new fire alarm, the compartmentation survey undertaken by Urban Change and the Project Management fees on behalf of Black Cat as stated in the application. For clarity the works are set out in an External Wall Fire Assessment prepared by Urban Change dated 21 August 2020.

REASONS

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the Act") dispensing with statutory consultation in respect of major works.
2. This application is in relation to 61 self contained flats which form part of 604 Luminere Apartments which is described as a Grade II mixed use building comprising 61 one and two bedroom apartments together with a cinema and gym. This 1920s building property was developed during 2008 to provide residential apartments. The Applicant, Luminere Freehold Ltd acquired the freehold of the building in 2018. The Respondents are the 61 various leaseholders of the block.
3. The application, made by Luminere Freehold Ltd was dated 31 August 2020. Directions were issued by the Tribunal on 22 June 2020. In view of the extreme urgency of this matter and being a leasehold owned freehold company without funds an Interim Order and Directions was made on 7 September 2020. The Interim Order granted dispensation from the statutory consultation requirements for the introduction of a two person 24/7 'waking watch' and such dispensation to cover the reasonable costs incurred under the agreement until the installation of a fire alarm system at the building. The Directions listed the matter for a paper determination and once again given the urgency of this application, the usual times for dealing with application were shortened for the tribunal to determine the application on or after the 28 September 2020, base

don the written representations unless any party made a request for a hearing. There was no request for a hearing.

4. The application and supporting documents seeks dispensation because the external all system are deemed unsafe and not compliant with fire legislation and regulations. Following an external wall assessment report undertaken by Urban Change Ltd, at a meeting on 21 August 2020, the London Fire Brigade required immediate short-term measures to be taken to safeguard the safety of the residents. These included the two person 24/7 ‘waking watch ‘ and the installation of proper fire alarms to all 61 apartments in the building. The waking watch was implemented immediately and the installation of the fire alarms commenced within 28 days in order to comply with the Fire Brigade safety measures. If such action was not taken the Fire Brigade would have no alternative but to issue a prohibition order requiring the building to be vacated.

Leaseholders and residents were notified in writing of the situation on 5 and 24 August 2020. The application states that preparation works for the alarm system (communal area cabling) started on 27 August 2020, the fitting of sounders and heat detectors will commence 28 days of the tribunal granting dispensation from the consultation procedures. Approximate costs for the works, project management fees, compartmentation survey and waking watch are set out in the application and tribunal directions.

5. The applicant states that the building does not meet current standards for the safety of residents and occupiers. In addition the current arrangements for means of warning of a fire are substantially defective and as such place occupiers at serious risk.

6. The Directions invited any Respondent leaseholders who opposed the application to submit a response form to the Tribunal and to make any statement of response to the Applicant by 18 September 2020. Luminere Freehold Ltd confirmed the Interim Order and Directions were sent to all leaseholders on the 7 September and there were no observations or objections from the 61 leaseholders

Determination

7. Section 20ZA(1) of the Act provides:

“Where an application is made to a leasehold valuation 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.”

8. The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

9. As mentioned above there has been no engagement from the sixty one Respondents. The works are of an extremely urgent nature. The external wall system has been deemed unsafe and poses a serious fire safety hazard. Such that the London Fire Brigade have imposed immediate short term measures to safeguard the safety of the residents. The health and safety of residents in the building is paramount and in all the circumstances the Tribunal grants the application for dispensation from statutory consultation in respect of the subject works, considering it reasonable to do so. For clarity the works are the complete installation of the new fire alarm system, the introduction of a two person 24/7 'waking watch, the fees in connection with the compartmentation survey prepared by Urban Change and project management for remediation undertaken by Black Cat.

10. This decision does not affect the Tribunal's jurisdiction upon any future application made by the leaseholders to make a determination under section 27A of the Act in respect of the reasonable cost of the work.

Name: D Jagger MRICS

Date: 29 September 2020

ANNEX - RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.