



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

Case reference : **LON/00BK/LDC/2020/0062P**

Property : **1 Dorset Street, London W1U 4EE**

Applicant : **RB Minz Settlement**

Representative : **Alexander Reece Thomson LLP**

Respondents : **The leaseholders named on the application**

Representative :

Type of application : **For the dispensation of some of the consultation requirements under s.20 Landlord and Tenant Act 1985**

Tribunal members : **Judge Simon Brilliant**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **31 July 2020**

DECISION

Decision of the Tribunal

The Tribunal determines that those parts of the consultation requirements provided for by s.20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

This has been a remote hearing on the papers which has been not objected to by the parties. The form of remote hearing was P. A face to face hearing was not held because it was not practicable, and all issues could be determined on paper. The critical documents that I was referred to are set out below. The order made is described at the end of these reasons.

The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by s.20 of the Act. The application was dated 12 May 2020.
2. Directions of the Tribunal were issued on 5 June 2020.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

The hearing

4. The matter was determined by way of a paper hearing which took place remotely on 31 July 2020.

The background

5. The premises consist of 12 flats in Dorset Street.

The application

6. The Applicant has applied for dispensation from the statutory consultation requirements in respect of the installation of a wireless EMS radio fire alarm system ("the fire alarm"). The estimated cost of the work ranges between £7,196.40 plus VAT and £9,750 plus VAT.
7. The application is said to be urgent because there is at present no fire alarm at the property. Fire safety engineers have confirmed a fire alarm is required.
8. It is said in the application that the works will be undertaken as soon as the application has been submitted.
9. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application did not concern the issue of whether any service charge costs will be reasonable or payable.**
10. No notice was received from any of the Respondents opposing the application.

The evidence

11. The Applicant's case is clearly set out in the grounds for seeking dispensation in the application notice.
12. This provides as follows:

A recent fire risk assessment undertaken at the subject property highlighted

that there is no fire alarm at the property and there is only one escape route out of the building. Fire safety engineers have also inspected the property and confirmed a fire alarm is required, particularly as we cannot confirm the compartmentation of the flats due to difficulties gaining access as a result of the coronavirus.

We are proposing to install a wireless EMS radio fire alarm system. Break down of equipment as follows: 7 x Manual Call Point, 5 x Radio Smoke Detector, 5 x Combined Radio Smoke Detector/Sound Units, 11 x Combined Radio Detector/Sounder, 1 x 16-Zone Single- Loop Radio Control Panel (c/w batts) and 2 x Fircell Booster Panel.

The quotes received are as follows:

- 1) JB Fire - £7,196.40 + VAT*
- 2) Force Fire - £9,700 + VAT*
- 3) Active Fire - £9,750 + VAT*

The works had not been carried out yet. We plan to undertake the works as soon as our application has been submitted.

13. The Applicant has provided the 26 page Fire Risk Assessment carried out by William Martin and the 3 quotations referred to above.

Decision of the tribunal

14. s.20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.

15. Dispensation is dealt with by s.20ZA of the Act which 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"

16. The Tribunal is satisfied that, in the particular circumstances of this case, involving a clear risk of a fire not being timeously detected at the property, it is reasonable to dispense with the consultation requirements in respect of the installation of the fire alarm.

17. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

Name: Simon Brilliant

Date: 31 July 2020

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).