



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

**Case reference** : **LON/00AU/LDC/2022/0165**

**Property** : **Island Apartments, Coleman Fields/  
Basire St/Prebend St, London N1**

**Applicant** : **Island Islington Residents  
Management Company Ltd**

**Representative** : **Michael Pilling of Metrus**

**Respondents** : **The tenants of Island Apartments**

**Representative** : **No appearance, however, Mr  
Mancebo, Mr Wilson and Ms Hughes,  
all leaseholders, had previous  
appeared on their own behalves**

**Type of application** : **Application for a dispensation from  
the consultation requirements in  
respect of major works**

**Tribunal** : **Judge Adrian Jack**

**Date of paper  
determination** : **15 November 2022**

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**DECISION**

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**Covid-19 pandemic:**

Description of hearing: This matter was determined on paper. The tenants were served with the application but did not participate latterly.

**The application, the property, the works and the law**

1. The applicant by an application dated 26<sup>th</sup> August 2022 applies for dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works costed at £432,887.33. The works are intended to provide protection in the event of fire. At present there is a waking watch costing just under £6,000 a week (including VAT). The works are intended to obviate the need for the waking watch.

2. The Tribunal gave directions for the holding of a case management conference by video, which was held on 13<sup>th</sup> October 2022. The particular concern of the Tribunal was the potential interaction between the current application and the provisions of the Building Safety Act 2022. In the event, after argument and considering the concerns of three of the tenants who appeared at the video hearing, the Tribunal directed that the application be heard on paper in the current week.
3. The works in respect of which relief is sought are (a) the replacement of non-compliant fire doors; (b) compartmentalisation; (c) repairs to defective smoke vent windows; and (d) installation of a fire alarm system. The cost, as noted above, is very substantial, but successful completion of the works will save the ongoing cost of the waking watch. As such it is in my judgment in the interests of the tenants that the works be carried out as soon as possible.
4. The property is a purpose-built S-shaped block with 82 flats. It varies from three storeys above ground to seven storeys above ground. The freeholding is owned by the tenants and the management is tenant controlled.
5. Section 20ZA(1) of the 1985 Act provides:

“Where an application is made to the appropriate tribunal [in England, this 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.”
6. An important consideration is always whether granting dispensation will cause prejudice to the tenants. In my judgment, on the facts of this case there is no prejudice to the tenants. On the contrary, if the works do not start as soon as possible, there will be ongoing (and probably irrecoverable) costs to the tenants.
7. In my judgment it is reasonable to dispense with the consultation requirements in this case.
8. This dispensation does not mean that the tenants cannot challenge the cost or quality of the work done. It simply dispenses with the consultation requirement.
9. There is no application in respect of the fees for applying to the Tribunal, so I make no order in respect of such fees.

## **DETERMINATION**

- a) The Tribunal grants a dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works the subject of the application.
- b) The Tribunal makes no order in respect of the fees payable to the Tribunal.

**Name:** Judge Adrian Jack

**Date:** 15 November 2022