



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

Case Reference : CHI/ 45UH/LDC/2018/0098

Property : Fairfields, 15 Broadwater Road, Worthing
BN14 8AD.

Applicant : J H Watson Property Investment Limited

Representative : Louise Rinder

Respondents : The long lessees

Representative : -

Type of Application : To dispense with the requirement to
consult lessees about major works

Tribunal Member(s) : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 14 January 2019

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. The Applicant explains that following an inspection of the property by West Sussex Fire and Rescue Service on 2 July 2018, the Fire Safety Officer required the Applicant by letter dated 31 July 2018 to carry out works to ensure the safety of residents.
3. The Applicant have instructed CPS Décor and Building Services to carry out the works to an agreed specification and price.
4. The Applicant states that due to the urgency of the works it does not have time to go through the statutory consultation procedures. The Applicant, however, has made all leaseholders aware of the nature of the works.
5. The Application for dispensation was received on 30 November 2018.
6. On 30 November 2018 the Tribunal directed the Applicant to serve a copy of the application and directions on each leaseholder and display a copy of the application in a prominent position in the common parts of the property. On 7 December 2018 the Applicant informed the Tribunal that it had displayed the application in the communal areas of the property.
7. The directions also required the leaseholders to return a pro-forma to the Tribunal by 20 December 2018 indicating whether they agreed or disagreed with the application and whether they consented to a determination on the papers.
8. The Applicant served the Tribunal with a hearing bundle of documents on 9 January 2019.
9. The Tribunal received responses from one leaseholder: Mr Langelaan of Flat 19 who agreed with the application and made no request for an oral hearing.

Determination

10. The Tribunal is satisfied from the application and the documents included in the hearing bundle that the fire safety works were necessary, and urgent.
11. The Tribunal received no objection from a leaseholder to the application.

12. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the fire safety works as set out in the specification supplied by CPS Décor and Building Services.**
13. This decision is confined to the dispensation from the consultation requirements in respect of the fire safety works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.
14. The Tribunal will send the decision to Mr Langelaan.
15. The Tribunal requires the Applicant to notify the remaining leaseholders of the decision and confirm in writing that it has carried out the Tribunal's instruction.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking