



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

Case Reference : **LON/00BE/LDC/2019/0068**

Property : **Vogans Mill 17 Mill Street London
SE1 2BZ**

Applicant : **Vogans Mill Management
Company;
Rosehaugh Co-partnership
Developments Ltd**

Representative : **Rendall & Rittner**

Respondent : **ALL LESSEES AS PER
APPLICATION**

Representative : **n/a**

Type of Application : **For dispensation from the
consultation requirements
required by section 20 of the
Landlord and Tenant Act 1985**

Tribunal Members : **Judge Carr
Mr Mathews FRICS**

Date of Decision : **10th June 2019**

DECISION

Decision of the Tribunal

1. The Tribunal determines to exercise its discretion to dispense with the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

The Application

2. Aisling Ampadu, on behalf of Rendall & Rittner, managing agents for Vogans Mill Management Company and Rosehaugh Copartnership Developments Ltd, applied on 3rd May 2019 under section 20ZA of the Landlord and Tenant Act 1985 for dispensation from the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

Procedure

3. The Tribunal held a case management review of this matter on 9th May 2019 and issued directions on the same date. In those directions it was decided that in view of the urgency of the application the matter should be determined on the basis of written representations and without an oral hearing.
4. The Directions gave an opportunity for any party to request an oral hearing. They also gave an opportunity for any leaseholder who wishes to oppose the application from the landlord to provide a statement to the Tribunal setting out his or her reasons for so doing. None of the parties requested an oral hearing, nor were there any objections to the application, and therefore the matter is being determined on the basis of the documents provided.

Determination

The Evidence

5. The evidence before the Tribunal indicates as follows:
 - a. The building comprises 4 blocks including a 16 storey tower. The building operates a stay-put policy in the event of fire. The AOV smoke detector system is essential to safeguard the residents.

- b. The AOV system serving the building has failed. The failure was identified on 24th April 2019. The system is approximately 30 years old and parts are obsolete. The entire system and associated components require replacement to operate and meet current fire regulatory requirements. An M&E consultant was instructed to prepare a specification for a new smoke detector system, associated works and the subsequent contract management.
- c. The works are urgent because of the Health and Safety implications and the costs of employing temporary firewatch staff – the costs of the firewatch to leaseholders total £2495.00 per week. The managing agents intend to fast-track the works.
- d. The managing agents therefore applied to the Tribunal for dispensation from the consultation requirements on the basis the urgent nature of the works and the costs of the firewatch.
- e. Following the issue of directions, the managing agents communicated with all of the lessees about the proposed works and their urgency. No objections were received in connection with the proposed works.

The Law

6. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides:
7. “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**” (emphasis added).

The Tribunal’s decision.

8. The Tribunal determines to grant the application.

The reasons for the Tribunal’s decision.

9. The Tribunal considers that the works are necessary and urgent.
10. **The parties should note that this determination does not concern the issue of whether any service charge costs will be**

reasonable or indeed payable. The Respondents are able, if it appears to them to be appropriate, to make an application under s.27A of the Landlord and Tenant Act 1985 as to reasonableness and payability.

Signed Judge Carr

Dated 10th June 2019