



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

**Case reference** : **LON/00AA/LDC/2019/0085**

**Property** : **The Gallery, 36-40 Ludgate Hill,  
London E4M 7DE.**

**Applicant** : **The Gallery (Ludgate Hill)  
Management Company Limited.**

**Representative** : **Sterling Property Management UK  
Ltd.**

**Respondent** : **Various leaseholders as per the  
application.**

**Representative** : **In person**

**Type of application** : **For a determination under S.20ZA  
of the Landlord & Tenant Act 1985  
– dispensation from the  
requirements to consult  
leaseholders in relation to  
qualifying works.**

**Tribunal members** : **Ms. A. Hamilton-Farey LLB, FRICS,  
Mr M. Cairns, MCIEH.**

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

**Date of decision** : **31 July 2019.**

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**DECISION**

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## **Decision of the tribunal**

- (1) The tribunal is satisfied that it is reasonable to dispense with the requirements to consult leaseholders further in relation to the fire safety issues at the property, as identified in the Fire Risk Assessment (“FRA”) undertaken by M. A. Sharman & Associates on 12 June 2019, and Fire Compartmentation Survey undertaken by The Oakleaf Group in April 2019.
- (2) The tribunal’s decision does not deal with the issue of reasonableness of any charge, or the payability of any leaseholder in relation to the works, and the rights of leaseholders under S.19 and S.27A of the Landlord & Tenant Act 1985 are fully preserved.

## **The application**

1. The tribunal received an application under S.20ZA of the Landlord & Tenant Act 1985 (“The Act”), in which the applicants sought dispensation from the requirements to consult leaseholders further in relation to fire safety works that had been identified in the two reports referred to above.
2. The applicants have informed the tribunal that, following an inspection by the Fire Officer, they were told that, unless they carried out the safety works to the building, then the Fire Officer would serve a Prohibition Notice preventing occupation further.
3. The applicants instigated a waking watch programme, and then sought the advice of professionals. Following this advice, they were able to dispense with the waking watch, and appointed a responsible person in the block who would take control of fire safety in the building, and this included the installation of ‘horns’ that would be sounded in the event of a fire.
4. The applicants say that a Notice of Intention, under S.20 of the Act was served in relation to the works, a copy of which has been provided to the tribunal. The applicants also say that the works are urgently required to prevent any possible prohibition on the building use, and that works should proceed as soon as possible.
5. The tribunal issued directions on 29 May 2019, that requested any respondent tenant who opposed the application to send their reasons for doing so to the tribunal. No representations have been received objecting to the application. Two leaseholders returned the tribunal’s return slip, confirming their agreement to the application.

6. In addition, following correspondence from the applicants' representatives, it appeared to the tribunal that some leaseholders may not have been informed of the application, and accordingly the directions were amended, on the hearing date adjusted so that all parties could be aware of the application and how the tribunal intended to deal with the matter.
7. Having received two responses from leaseholders, the tribunal is satisfied that the applicant had sent copies of the application as directed and that the leaseholders have had an opportunity to comment on the application.
8. The directions set down this matter for a brief hearing on 31 July 2019, the parties who attended that hearing are noted on the front of this decision.
9. The tribunal had familiarised itself with the matter prior to the hearing, and sought clarification where necessary.
10. Having considered the matter, and the seriousness of the consequences of work not proceeding in a timely manner, this tribunal in the exercise of its discretion, considers that dispensation from the further requirements to consult should be given to the applicants, and this is recorded in this decision.

**Reasons:**

11. The tribunal considers that the issue of Fire Safety in a block of flats requires urgent determination, this is especially so where the local Fire Officer has considered issuing a Prohibition Notice on the building.
12. None of the leaseholders has responded to the tribunal in accordance with the directions to suggest that works should not be carried out, and it appears that none have made representations to the applicants.
13. The leaseholders' rights to question the cost and or standard of the works is preserved under ss. 19 and 27A of the Act, and this gives an element of comfort to those liable to pay any charges for these works.
14. In these circumstances, we are satisfied that it is reasonable to dispense with further requirements to consult leaseholders under S.20 of the Act.

**Name:** Ms. A. Hamilton-Farey      **Date:** 31 July 2019.

## **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).