



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

Case reference : **LON/00BK/LDC/2020/0064**

**HMCTS code
(paper, video,
audio)** : **P: PAPER REMOTE**

Property : **3 Shouldham Street, London W1H 5FG**

Applicant : **Anglo Scottish Developments Limited**

Representative : **Alexander Reece Thomson LLP**

Respondent : **Mr David Summerfield (Flat 1)
Mr Celio Lucchese (Flat 2)**

Representative : **In person**

Type of application : **Dispensation with Consultation
Requirements under section 20ZA
Landlord and Tenant Act 1985**

Tribunal member : **Judge Robert Latham**

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

Date of decision : **2 September 2020**

DECISION

The Tribunal grants this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 in respect of the works to install a wireless radio alarm system at 3 Shouldham Street, London W1H 5FG.

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. On 26 August 2020, the applicant filed a bundle of documents.

The Application

1. By an application, dated 14 May 2020, Anglo Scottish Developments Limited (the landlord) applied to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 (“the Act”) in respect of proposed works to install a wireless radio alarm system at 3 Shouldham Street, London W1H 5FG (“the property”).
2. The property is a five storey Victorian property with commercial use on the lower ground and ground floors, one flat on the first floor (Flat 1) and a second and third floor maisonette (Flat 2). A recent fire risk assessment had highlighted that there was no fire alarm at the property and only one escape route out of the building. Fire safety engineers had confirmed that a fire alarm was required, particularly as the landlord could not confirm the compartmentalisation of the flats due to difficulties gaining access as a result of Covid-19. The landlord had obtained three quotes (all exclusive of VAT): (i) JB Fire Systems Limited (“JB Fire”): £2,677.30; (ii) Force Fire: £4,350; and (iii) Metro Safety: £7,685. The landlord considered the works to be urgent on health and safety grounds.
3. On 27 May, the proposed works were executed by JB Fire, the contractor who provided the lowest estimate.
4. 2 June, the Tribunal issued Directions. Pursuant to these Directions,
 - (i) On 10 June, the landlord sent to the two leaseholders a copy of the Directions, together with copies of the fire risk assessment and the three quotations. The landlord confirmed that the alarms had now been installed, but that access to the flats was required to install sounder/detectors in their entrance lobbies.
 - (ii) By 26 June, if either leaseholder opposed the application, he was directed to complete a Reply Form which was attached to the Directions and to send the landlord a statement in response to the application, together with and documents upon which they wished to rely. They were also asked to specify whether they required an oral hearing. Neither leaseholder has notified the Tribunal that they oppose the application.

(iii) On 26 August, the landlord filed a Bundle of Documents. This included the fire risk assessment, the three quotations, the two leases and the relevant correspondence

5. Section 20ZA (1) of the Act provides:

“Where an application is made to the appropriate 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. The only issue which this Tribunal is required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.

7. The Tribunal is satisfied that it is reasonable to grant dispensation. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

Judge Robert Latham
2 September 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 **by e-mail** 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).