



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

Case reference : **LON/00AM/LDC/2020/0068**

HMCTS Code : **P:Paper remote**

Property : **Flats 1 – 14, 105 Pritchard’s Road,
London E2 9AW**

Applicant : **105 Pritchard’s Road RTM
Company Limited**

Representative : **Warwick Estates**

Respondent : **The long leaseholders of flats 1 – 14
105 Pritchard’s Road**

Type of application : **To dispense with the requirement
to consult leaseholders about
works**

Tribunal members : **Judge Angus Andrew**

Hearing venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **10 August 2020**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has been consented to by the applicant and not objected to by the respondents. The form of remote hearing was P: PAPER REMOTE. A face-to-face hearing was not held because it was not practicable and no-one requested the same.

The application and determination

1. On 21st May 2020 the applicant applied to the tribunal for dispensation from the consultation requirements provided by section 20 of the Landlord and Tenant Act 1985 in respect of the proposed testing of the external wall covering/cladding. Two quotations were enclosed with the application. One from MAF Associates for £7,450 plus VAT: the other from SFI Ltd for £3,500. The applicant consented to the application being determined on the papers alone and without an oral hearing.
2. The tribunal gave directions on 3 June 2020. The directions provided for a paper determination unless any party requested an oral hearing within 28 days of the date of the directions. It is apparent that no such request was received by the tribunal.
3. The directions required the applicant by 19 June 2020 to send to each respondent copies of the application form, estimates, a statement of reasons and the directions. By letter of 4 June 2020 the applicant sent the required documents to each of the respondents. It is apparent from the letter that the testing had already been completed by SFI Ltd who had provided the lowest quotation.
4. The directions required the respondents to complete a reply form attached to the directions and return it to the tribunal by 10 July 2020. The reply form requested the respondents to say whether they supported or opposed the application. I am advised by my case officer that two completed reply forms have been received by the tribunal. Both replies support the application and agree to a decision on the basis of the documents alone.
5. As a result of the Covid-19 Pandemic the applicant was required to submit digital papers by email. I was given remote access to those papers that included the application form, a specimen lease, the two estimates referred to above, a statement of reasons, the letter of 4 June 2020 referred to above and email correspondence from the applicant's representative. Having reviewed those documents I am satisfied that the case is suitable for a paper determination. It is on the basis of those documents that I find the facts recorded in the following sections of this decision.

Decision

6. For each of the following reasons I dispense with the consultation requirements provided by Section 20 of the Landlord and Tenant Act 1985, in so far as they relate to the testing of the external wall covering/cladding by SFI Ltd at a cost of £3,500.

Reasons

7. Following the tragic fire at Grenfell Tower Government Guidance issued most recently in January 2020 requires the testing of the external wall covering/ cladding to ensure that it complies with fire safety standards. It is essential that the testing is completed as quickly as possible and that it is not delayed by strict compliance with the consultation requirements.
8. In the absence of a satisfactory test report it is proving difficult for long leaseholders to either sell or re-mortgage their flats because valuers are substantially discounting the perceived market value of the flats and in some cases are returning £0 (zero) valuations.
9. Although I remind myself that I am not concerned with the reasonableness of the cost the applicant nevertheless obtained 2 quotations and chose the cheapest.
10. None of the respondents have objected to the application and two have actively supported it.
11. The application is made by a Right to Manage Company that is under the control of at least a majority of the respondents.
12. Under the terms of the respondents' leases the lessor is responsible for the external wall covering/cladding and that responsibility is transferred to the applicant.

Name: *Judge Angus Andrew* **Date:** 10 July 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 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).