FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AU/LDC/2020/0124**
HMCTS code	**:**	**P:PAPERREMOTE**
Property	**:**	**One Britton Street, London, EC1M 5NW**
Applicant	**:**	**Millennium Heights RTM Company Limited**
Representative	**:**	**Rendall & Rittner Ltd, Managing Agents (Ms Elizabeth Porter)**
Respondent	**:**	**The Leaseholders Listed in the Schedule Attached to the Application**
Representative	**:**	
Type of application	**:**	**For the a Dispensation Order pursuant to section 20ZA of the Landlord and Tenant Act 1985**
Tribunal members	**:**	**JUDGE SHAW**
Venue	**:**	**PAPER DETERMINATION**
Date of decision	**:**	**14th October 2020**

DECISION

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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 code and description was: P:PAPERREMOTE. A face-to-face hearing was not held because none of the parties requested such a hearing, and in any event all the issues could be determined in a remote hearing, on paper. The documents submitted to the Tribunal will, as necessary, be referred to below, and all papers submitted have been perused and the contents considered. The order made is described at the end of these reasons.

Decision of the tribunal

> The tribunal determines that an order dispensing with all of the consultation provisions under section 20 of the Landlord and Tenant Act 1985, is appropriate in this case, and makes such order.

The application

1. The application is dated 18th June 2020 and the Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act")

The hearing

2. The Applicant sought a Paper Hearing, which was, as stated above, not objected to by the Respondents.

3. The background

4. The property which is the subject of this application is One Britton Street, London, EC1m 5NW ("the property'). It comprises 36 residential units, and 3 retail units. The Applicant is the Right to Manage company, presumably owned and directed by the leaseholders, or some of them, and who are also, wearing different hats, the Respondents. The Applicant has appointed professional managing agents, namely Rendall & Rittner Limited, to manage the property.

5. Photographs of the building were provided in the hearing bundle, as part of the experts' reports referred to below. None of the parties requested an inspection and the tribunal did not consider that one was necessary, nor would it have been proportionate in the circumstances described below.

The issues

The sole issue in this case is whether the tribunal is satisfied that it is reasonable for the tribunal to dispense with the consultation provisions (section 20 of the Act) which would otherwise have applied to the qualifying works at the property, as described below.

The tribunal's decision

6. The tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in relation to the fire alarm system as described in the report dated 21st September 2010, of David Hills FRICS, of Art Workplace Risk Limited. A dispensation order to this effect is therefore made.

Reasons for the tribunal's decision

7. By a report dated July 2020, made by the proprietors of Vemco Consulting (a firm of Civil and Fire Engineers) it was established that some areas of the external wall cladding at the property, do not comply with the relevant MHCLG government standards. The report is in the papers submitted and has been carefully considered by the tribunal. Pending completion of these works (which are at a cost rendering them "qualifying works" for the purposes of the Act) a "waking watch" (round the clock personal patrol of the building) has been instituted, which is, unsurprisingly, extremely expensive – and a cost met by the leaseholders. The Tribunal has been informed by the Applicant, that this cost can be significantly ameliorated by the installation of a temporary (albeit quite sophisticated) fire alarm system as recommended in the report of Mr Hills, as referred to above. There is some urgency in the situation because, for obvious reasons, it is desirable to get on with the cladding works sooner rather than later, and in the meantime, heavy costs will be incurred until the waking watch can be replaced by the temporary fire alarm system.

8. The Respondents were given the usual notice of this application and no objections have been raised by them. Indeed, despite chasing by the Applicant, no representations of any kind have been received from any of the leaseholder Respondents. In some respects, this may not be surprising, because it is in their obvious interests that these costs be reduced, and moreover, in reality, the Applicant and the Respondents are, for the reasons explained, probably largely identical in this case.

9. One piece of information which the Tribunal has not been able to detect in the submitted papers, is the actual cost of these temporary works.

This may be because the tendering process recommended in the report of Mr Hills has not been completed, pending the result of this application. Though not ideal, the tribunal nonetheless makes the order requested, which relates solely to the unopposed request for dispensation in relation to the consultation procedure. The Respondents should be aware that this decision in no way prejudices their entitlement at a later stage to challenge, if they so wish, either the liability to pay or reasonableness of the qualifying works, pursuant to section 27A of the Act.

10. DECISION

For the reasons set out above, the tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in relation to the fire alarm system as described in the report dated 21st September 2020, of David Hills FRICS, of Art Workplace Risk Limited. A dispensation order to this effect is therefore made.

Name: JUDGE SHAW **Date:** 14th October 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).