



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

Case reference : **LON/00BB/LDC/2021/0116**
P:Paperremote

Property : **37-43 Seventh Avenue Manor Park
London E12 5JL**

Applicant : **Refrose Properties Limited**

Representative : **Ringley Law**

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

Representative : **-**

Type of application : **To dispense with the consultation requirements under S.20 Landlord and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint DMS FRICS**

Date of determination : **7 June 2021**

DECISION

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by the Respondent. A face to face hearing was not held because it was not practicable, no-one requested the same, and all the issues could be determined on the papers. The documents that I was referred to were emailed to the Tribunal, the contents of which I have recorded.

Decision of the tribunal

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the replacement of the fire doors and the electrical circuits.
- (2) The question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) was made by the Applicant on 26 April 2021.
2. The application concerns the replacement of fire doors and electrical replacement work. It was stated that the works are urgent as the electrical units are in a poor condition and there are health and safety including fire safety issues.
3. Directions were issued on 5 May 2021 requiring the applicant to send to each of the leaseholders a copy of the application form and a copy of the tribunal’s directions.
4. The leaseholders were asked to confirm by 24 May 2021 whether or not they would give their consent to the application. In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application; and provide copies of all documents to be relied upon
5. By 2 June 2021 the applicant was required to provide a bundle setting out the full grounds for the application, including all of the documents on which the applicant relies and copies of any replies from the tenants.
6. No responses were received from the leaseholders.

The Evidence

7. The fire doors are reported to not be up to the required standard and need replacing. All will require frames which need to be replaced or sealed. The fire doors will be 30 min fire doors with Intumescent fire strips, fire rated hinges with fire rated pads, door closer and handles with locks. The doorstops may need to be replaced, upon opening and inspecting, these will need to be moved and/or replaced.
8. There are no electrical cupboards and therefore 30min fireproof cupboards will need to be built all around the electrical installations by the entrances to both buildings.
9. There are two Electrical Installation Condition reports (EIC) which identify electrical issues at 39 & 41 7th Avenue, both are dated 16 March 2021. Each report included a number of items classified under code C2, that is items which are considered to be potentially dangerous. Further annual inspections cannot be issued until these items are rectified.
10. The current installation is approximately 35-40 years old which has had little or no maintenance carried out and is now in poor condition, as evidenced by the reports.
11. The applicant seeks dispensation of the Section 20 process in order for major works to urgently take place as this is causing a health and safety risks as mentioned in the EIC report.
12. Notice of intention of the works was issued when the application for dispensation was drafted.

The Decision

13. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
14. The Tribunal notes that none of the lessees have objected to the scope of the works and from the evidence before it determines that the works are necessary, require to be completed as soon as practicable and that no prejudice to the lessees has been demonstrated or asserted.
15. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 7 June 2021

RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.