



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

Case Reference : **CAM/00MD/LDC/2019/0021**

Property : **The Ambassador, London Road,
Sunningdale SL5 0LJ**

Applicant : **Broadleaf Management Services
Limited**

Respondents : **The leaseholders of apartments 1-
32**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Judge Wayte**

Date of Decision : **17 September 2019**

DECISION

The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works described in the application.

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements in respect of urgent works to install a heat detector in each apartment, linked to the main communal fire alarm, as recommended by the Fire Risk Officer. The property concerned is described in the application as a purpose-built block of 32 retirement apartments built in 2001 (“the Property”). The application is made against the leaseholders of all 32 apartments (“the Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.
3. The application was dated 15 August 2019. Directions were given on 20 August 2019 to include service of the application and directions on the Respondents by the Applicant, which confirmed on 27 August 2019 that this has been done. The directions contained a reply form for any leaseholder who objected to the application to return to the tribunal and the Applicant.
4. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 17 September 2019.
5. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
6. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.

The Applicant’s case

7. The Applicant provided a bundle for the determination. In their grounds for seeking dispensation, they confirm that a fire compartmentation survey revealed serious issues with the Property which appear to be due to failings by the original developer, Taylor Woodrow. Pending major works to address the fire compartmentation issues they have moved from a Stay Put/Deferred Evacuation Procedure to a Simultaneous Evacuation Procedure.
8. There are already smoke detection and alarms in the Property but the Fire Officer indicated that there was a risk to residents if a fire started in an unoccupied apartment. That led to the proposal to install heat detectors in each apartment, a more cost-effective solution than a

“waking watch” or 24-hour concierge service. A quote was obtained from the company that currently maintains and services the fire alarm systems for £8,999 plus VAT, making a total of £10,798.80. The intention is to use monies from the reserve fund to pay for the works.

9. The Applicant still plans to proceed with fire compartmentation works as it acknowledges that reliance on simultaneous evacuation is challenging given that this is a retirement property. This is in accordance with the Fire Regulations which state: “*Reliance on simultaneous evacuation is also detrimental to the equality of disabled people, who may be unable to evacuate without assistance...the appropriate, ultimate solution is to rectify the associated defects, rather than permanently to change the stay put strategy.*” The heat detectors would remain in situ to provide an early warning system.
10. The Applicant wrote to the leaseholders on 13 August 2019 to inform them of the application to dispense with consultation.

The Respondents’ position

11. The directions provided for any Respondent who wished to oppose the application for dispensation to complete the reply form attached to the directions and send it to the tribunal and the Applicant. Neither the Applicant nor the tribunal has received any response or statement of case in opposition to the application. In the circumstances the tribunal concluded that the application was unopposed.

The Tribunal’s decision

11. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

Reasons for the Tribunal’s decision

12. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act “*if satisfied that it is reasonable to dispense with the requirements*”.
13. The application was not opposed by the leaseholders. The tribunal is satisfied that the works are urgently required. In the circumstances it is appropriate to grant an order for dispensation.

Application under s.20C

14. There was no application for any order under section 20C before the tribunal.

Name: Judge Wayte

Date: 17 September 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).