



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

Case Reference	:	CHI/00HB/LDC/2021/0079/AW
Property	:	The Milliners, The Mithras Building, 33 to 49 (odd) Victoria Street, Bristol BS1 6AD
Applicant	:	Grey GR Limited Partnership
Representative	:	J B Leitch Limited
Respondent	:	The Long Leaseholders
Recognised Tenants' Association	:	The Milliners Residents Association represented by Burgess Salmon LLP
Type of Application	:	To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985
Tribunal Member(s)	:	Judge D R Whitney
Date of Determination	:	20 th October 2021
Date of Review	:	8 th December 2021

REVIEW OF DECISION

Summary of the Varied Decision

The Applicant is granted dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements for:

- a. those works to the external parts of the building as identified at paragraphs 2(a)-(d) of the Notice of Intention dated 4 September 2020; and**
- b. Those works in connection with the provision of a fire alarm system identified at paragraph 2 of the Notice of Intention dated 5 January 2021; as further identified in the Notice of Estimates dated 29 April 2021.**

Such dispensation conditional upon the Applicant:

Providing copies of the applications to the Building Safety Fund and the Waking Watch Relief Fund (including supporting documents), copies of any response from the administrators of the Funds (including as to any appeals) to the Respondents within 28 days of the date of this determination and the Applicant providing to the Respondents within 28 days of receipt copies of any interim or final decision issued by the administrators of the Funds.

The Applicant paying to the RA the sum of £10,800 in respect of its legal costs of this application.

The Applicant providing to the Respondents within 28 days of this determination copies of the Combined Fire/Health and Safety Risk Assessment produced by Cardinus Risk Management dated 31st March 2020.

The Tribunal makes an Order pursuant to section 20C of the Landlord and Tenant Act 1985 and Paragraph 5A of Schedule 11 of the Commonhold and Leasehold Reform Act 2002 that none of the legal and professional costs incurred in making this application may be recovered from the leaseholders of the Property as either a service or administration charge.

The application and the history of the case

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.

2. The Applicant explains that following guidance relating to the construction of the external wall system it has been discovered that the construction comprises combustible materials and poses a risk of fire spread. Accordingly, remediation works are required to the external wall system of the Premises in line with Government Guidance ("the Works"). In addition, interim fire safety measures were required at the Premises such as a waking watch. In order to remove the waking watch, the Applicant was required to install a common automatic fire alarm and detection system ("the Interim Works"). The Applicant's agent began the consultation process in relation to the Works and Interim Works. Due to the nature of the Works, the Building Safety Fund deadlines and the Design & Build method adopted, the Applicant is unable to complete the consultation process.
3. The Tribunal issued directions dated 10th September 2021. These noted that the Tribunal would only consider 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.
4. A response was filed by Burgess Salmon LLP which was drafted by counsel Justin Bates. This response was on behalf of the Residents Association and attached a schedule of the leaseholders of 92 flats on whose behalf it was filed. Within this application these leaseholders will be referred to as the RA.
5. Mr Owens and Ms Glover the leaseholder of flat 213 filed a response agreeing the application but subject to conditions.
6. The leaseholders of flats 1, 14, 104, 106, 113 and 413 all agreed with the application.
7. Originally a decision was issued dated 20th October 2021. This required as a condition of granting dispensation that the Applicant should provide the Design Fire Consultants and CEC Safety-Fire Risk Assessment as referred to within section 8.0 of the report of JGA reference EM1173/R6 Issue 1.
8. By application dated 17th November 2021 the Applicants solicitors asserted that this report had been incorrectly referred to. The correct report was Combined Fire/Health and Safety Risk Assessment produced by Cardinus Risk Management and dated 31st March 2020. The Respondents were asked for any representations and none have been received.

Decision

9. The Tribunal determines that it should vary the earlier determination. The Respondents required to have sight of the report relied upon by the

Applicants. It is the Cardinus Risk Management report which relates to the Property and the application.

10. I am satisfied that it is in the interests of justice to vary my earlier decision so that it refers to the appropriate report for the Property. This report has been attached to the application and a copy will now have been seen by the Respondents. I note the Respondents have made no representations in respect of the application. In my determination it is in the interests of justice to vary the earlier decision as requested and I set out the varied decision above.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at rpsouthern@justice.gov.uk being the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking

