



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

Case Reference : **LON/00AW/LDC/2023/0146**

Property : **Flats 1-28, Empire House, 6 Thurloe
Place, SW7 2RU**

Applicant : **Alfred Place Limited and Thirdpart 2003
Limited**

Representative : **South Kensington Estates Ltd**

Respondents : **As per the attached schedule**

Representatives : **None**

Type of Application : **Dispensation from consultation
requirements under section 20ZA
Landlord and Tenant Act 1985 (“the
Act”)**

Tribunal Member : **Mr Charles Norman FRICS
Valuer Chairman**

Date of Decision : **29 November 2023**

DECISION

Decision

1. The application for dispensation from the consultation requirements in respect of a replacement access control system for the building is **GRANTED** unconditionally.

Reasons

The Applicant's Case

2. Application to the Tribunal dated 9 May 2023, received on 2 June 2023, was made for a dispensation from the consultation requirements under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") (set out in the appendix). The subject matter was a replacement access control system, including door controllers, card readers, software, cabling and key fobs. This was described as urgent as the previous computer had malfunctioned. Following hard drive replacement the software was found to be non-compatible with newer versions of MS Windows, resulting in an obsolete system. This required new hardware and software. This was needed to ensure residents' access to the building was maintained. The anticipated cost was circa £20,000. The work was said to have been carried out. A quotation no 49870 dated 17 February 2023 from Securebase Ltd for £14,391 (excluding VAT) was provided. A quotation no QU027426 from Technifire Solutions Limited dated 7 February 2023 for £15,879.80 (excluding VAT) was also provided.
3. Directions were issued on 19 June 2023 that the matter be dealt with by written representations, unless any party made a request for an oral hearing, which none did. The directions required publicity to be given to the application in the block. This was confirmed to the Tribunal. In addition, the respondents were invited to respond to the application.
4. Direction 4 required the applicant to prepare a paginated digital bundle and to include the Directions. Although a bundle of 108 pages was provided, it was not paginated and omitted the Directions. The Tribunal expects all parties to comply with Directions, which are intended to assist the Tribunal in dealing with cases efficiently. The applicant is advised to ensure that any future applications fully comply with Directions.

The Property

5. From the application form, the property comprises a purpose built period mansion block on the corner of South Kensington and Brompton district. It comprises 28 flats and 8 commercial units on ground and lower levels. The Tribunal did not inspect the property.

The Leases

6. A sample lease was supplied, but the Tribunal makes no finding as to payability or reasonableness of the costs to be incurred as that is outside the scope of this application.

The Respondents' Cases

7. The lessees did not respond to the application.

The Law

8. Section 20ZA is set out in the appendix to this decision. The Tribunal has discretion to grant dispensation when it considers it reasonable to do so. In addition, the Supreme Court Judgment in *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 empowers the Tribunal to grant dispensation on terms or subject to conditions.

Findings

9. The Tribunal finds that installation of the replacement access control system was urgent, to ensure that access to the building and its security could be maintained. No lessee has objected to the application. The Tribunal has not identified any prejudice caused to any lessee as a result of the application. Accordingly, the Tribunal grants dispensation unconditionally.
10. This application does not concern the issue of whether any service charge costs have been reasonably incurred or are payable. The residential leaseholders continue to enjoy the protection of sections 19 and 27A of the Act.
11. This application has no bearing on the commercial occupiers of the building who are outside the scope of section 20 of the Act and non-parties.

Charles Norman FRICS
Valuer Chairman

29 November 2023

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.

SCHEDULE OF LESSEES

1 Empire House	Jacqueline A Byat, Maita A A Binbyat, Dana A A Binbyat, Rafi
2 Empire House,	Mr Charles & Mrs Kira Morgan
3 Empire House,	Charles Peter Henry Morgan
4 Empire House,	Mohammed Hamed Shaker El Markabi & Zeinab Mohamed Elsaady Ha
5 Empire House,	Prestwood Estates Ltd
6 Empire House,	Dr Ali Alhashimi & Mrs Dounia Louhmadi
7 Empire House,	Creceer Developers Ltd
8 Empire House,	RJ Costa Ltd
9 Empire House,	Kabir Pandit and Rajalakshmi Balasubramanian
10 Empire House	Mr Nader Moshir-Fatemi
11 Empire House	Mr Andrew Weston Dunn & Mrs Jane Amelia Dunn
12 Empire House	Alfred Place & Thirdpart Limited (Freeholder)
13 Empire House	White Warrior Investments Ltd
14 Empire House	Mrs Linda Armanious
15 Empire House	Caiqwang Bonan
16 Empire House	MK Real Estate Ltd
17 Empire House	YONG, viz. D.C. Yong, A.Y. Yong & R.C. Yong
18 Empire House	Mr Mohammed Issam Assad
19 Empire House	Alfred Place & Thirdpart Limited (Freeholder)
20 Empire House	Mr Abdul Rahman Alzayani
21 Empire House	Ms Olivia Jemsten
22 Empire House	Mr Dimitri Demetriades
23 Empire House,	C M Maurer S C Maurer FAE-Maurer
24 Empire House,	Mr L Dacosta
25 Empire House	Davilla Global Ltd
26 Empire House	Mr Siba Ali Mohammed Al Moosa
27 Empire House	Mr Barry Hirst
28 Empire House	Lamar Real Estate W.L.L

Appendix

Section 20ZA Landlord and Tenant Act 1985

(1) Where an application is made to [the appropriate Tribunal] for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

(2) In section 20 and this section—

“qualifying works” means works on a building or any other premises, and

“qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

(3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—

(a) if it is an agreement of a description prescribed by the regulations, or

(b) in any circumstances so prescribed.

(4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

(a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,

(b) to obtain estimates for proposed works or agreements,

(c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,

(d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—

(a) may make provision generally or only in relation to specific cases, and

(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.