



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

**Case reference** : **LON/00AW/LDC/2023/0288**  
**P:Paperremote**

**Property** : **113 Cheyne Walk London SW10 0ES**

**Applicant** : **Mrs Catherine Merrington and Mrs  
Mikaela Taube**

**Respondent  
leaseholders** : **The leaseholders named on the  
application**

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

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

**Date and venue of  
determination** : **19 February 2024**  
**Remote on the papers**

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**DECISION**

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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 in a bundle of 76 pages, 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 installation of a fire detection and alarm system to the building.
- (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 21 November 2023.
2. The Applicant is the freeholder of the building, a house converted into five flats. They have applied for dispensation from the statutory consultation requirements under section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 in respect of the installation of a fire detection and alarm system.
3. Directions were issued on 14 December 2023 requiring the applicant to prepare bundles to include statements
  - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
  - (ii) The Leaseholders were asked to confirm whether or not they would give their consent to the application.
  - (iii) 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.
4. The Applicant confirmed that copies of the application were emailed to all the leaseholders on 19 December and a copy was displayed in the entrance area to the building on 20 December 2023.
5. No objections were received from the leaseholders.
6. The Leaseholders were informed in the Directions issued by the Tribunal that 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 Evidence**

7. The building comprises an 1800's former single dwelling converted to five flats on ground, first, second and third floors. Storage rooms and electrics but no residential units were located in the basement. The front communal door opens into the entrance hall, there are two flats accessed at ground floor level, an unprotected staircase and a lift situated towards the rear of the building provide access to the remaining three flats. A second means of escape was via a rear door on the ground floor.
8. A fire assessor had reported that there was no fire alarm or detection system within the building despite the building operating a "get out" evacuation procedure in case of a fire.
9. The assessor advised that the leaseholders should be advised that the flat doors must be upgraded to provide a minimum of 30 minutes fire resistance. Further the lift motor room, basement door and tenants' store rooms did not provide 30 minutes fire resistance and there were instances where compartmentation between the basement and ground floor had been breached which required remedying.
10. Notice of Intention was served on 27 October 2023 and an application for Dispensation submitted to the tribunal on 21 November 2023.
11. Quotations were received from two contractors in the sums of £5795 and £6945 + VAT. The applicant was of the opinion that as the amounts were similar the contractor which could commence the installation of the fire alarm and smoke detection system earliest would be appointed since the work was considered to be urgent.

### **The Decision**

12. 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.

13. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed urgently and that no prejudice to the lessees has been demonstrated or asserted.
14. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

**Name:** Evelyn Flint

**Date:** 19 February 2024

### **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. The application should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>
4. 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.
5. 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.