



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference : LON/00AY/LDC/2024/0112

Property : The Academy Vauxhall 20 Lawn Lane,
London SW8 1GA

Applicant : The Academy Vauxhall Ltd

Representative : Strangford Management Ltd (Agent)

Respondents : Various Long Leaseholders of the
Academy

Representative : n/a

Type of application : Application for dispensation from
consultation requirements under
S.20ZA of the Landlord and Tenant Act
1985

Tribunal : Judge N O'Brien

Date of decision : 9 July 2024

DECISION

Decision of the tribunal

- (1) The tribunal dispenses with the statutory consultation requirements in respect of the works set out in the application notice namely completion of a building safety case report and gap analysis, fire compartmentation Survey and risk assessment.

The application

1. By application dated 16 April 2024 and made by the landlord's managing agent on behalf of the landlord, the applicant applies for dispensation from the statutory consultation requirements in respect of the completion of a building safety case report and gap analysis, fire

compartmentalisation survey, fire strategy plan and fire risk assessment at the Academy Vauxhall 20 Lawn Lane London SW8 1GA which is a former Victorian schoolhouse converted to form 55 self-contained flats. The application states that on the 16th of April 2024 initial letters were sent to the 55 leaseholders confirming the notice of intention

2. The application notice states that the reports are urgent and necessary in order to evaluate the fire safety of the building.
3. Directions were given by the tribunal on 15 May 2024 setting down the application for a paper hearing in the week commencing 8 July 2024.
4. By paragraph 1 of those directions the applicant was directed to send a copy of the application and the directions to each leaseholder by 31 May 2024, and also directed to display a copy of the application in a prominent place in the property. By email dated 11 June 2024 the applicant's representative confirmed that a copy of the application had been sent to each leaseholder and had been placed on the main noticeboard in the building. By further email dated 13 June the applicant confirmed that a copy of the directions had been sent to each leaseholder.
5. By paragraph 4 of the directions the applicant was directed to file a bundle for use in this paper determination by 28 June 2024. The applicant was to include in the bundle either copies of any replies from the respondent and/or confirmation that there were no responses received. The bundle submitted by the applicant in accordance with the directions includes an email from a Ms Steph Grillo dated 14 June 2024 which confirms that no leaseholder had notified the applicant to indicate that they opposed the application.

The background

6. The property which is the subject of this application a converted Victorian school building which has been converted into 55 self-contained flats.
7. Neither party requested an inspection and the tribunal did not consider that one was necessary, nor would it have been proportionate to the issues.
8. The respondent leaseholders each hold a long lease of their respective flats. A specimen lease is included in the bundle. By Clause 4.1 of the lease the applicant covenanted to carry out the works and provide the services specified in the 5th Schedule. By paragraph 1.2 of the 5th Schedule to the lease the applicant covenanted to keep the structure of the building in good repair and condition. Further by paragraph 15 of

the 5th Schedule the applicant further covenanted' *to supply such other services for the benefit of the lessees and to defray such other costs...as the lessor shall consider necessary to maintain the block as good class residential flats*'. By Paragraph 1.1 of The Third Schedule to the lease the leaseholder covenanted to contribute towards the maintenance costs by way of a variable service charge.

9. Included in the bundle are a number of proposals from Tetra Consulting Ltd indicating that the total cost of the proposed works will be in the region of £18,915 for the building.

The Law

10. By virtue of section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 a landlord must comply with statutory consultation requirements before embarking on any works the cost of which exceeds £250 per leaseholder in any accounting period. Section 20ZA of the Landlord and Tenant Act 1985 provides that the tribunal may dispense with all or any of the consultation requirements in relation to any qualifying works if it is satisfied that it is reasonable to dispense with such a requirement.

The tribunal's decision

11. The tribunal dispenses with compliance with the consultation requirement in respect of the works set out in the application. **This determination does not concern the issue of whether those service charges are reasonable or payable.**

Reasons for the decision

12. None of the leaseholders have objected to the application. The works concern fire safety and will cost an average of approximately £350 per leaseholder. There is no evidence of any prejudice to the respondents if dispensation from the consultation requirements were granted.

Name: Judge N O'Brien

Date: 9 July 2024

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).