



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

Case reference	:	LON/00AE/LDC/2026/0127
Property	:	Tarranbrae, Willesden Lane, Willesden Lane, Kilburn, London, NW6 7PL
Applicant	:	Tarranbrae Residents Management Limited
Representative	:	Faraday Property Management and Building Surveying
Respondents	:	The lessees listed in the schedule to the application
Type of application	:	To dispense with the requirement to consult leaseholders
Tribunal Members	:	Judge N Hawkes Mr S Mason BSc FRICS
London Panel	:	10 Alfred Place, London WC1E 7LR
Date of paper determination	:	14 September 2026

DECISION

Decision of the Tribunal

Pursuant to section 20ZA of the Landlord and Tenant Act 1985, the Tribunal grants dispensation from with the statutory requirement to consult leaseholders in respect of the fire safety work which forms the subject matter of the Applicant's application dated 13 April 2026.

Background

1. By an application dated 13 April 2026, the Applicant has applied to the Tribunal under section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to Tarranbrae, Willesden Lane, Willesden Lane, Kilburn, London, NW6 7PL ("the Property").
2. The Tribunal has been informed that the Property is a purpose-built block of flats which was constructed in 1938, containing 58 flats over five levels, with a basement. The Property has two sections which are connected by a high level passageway. Each section has a separate main entrance door, internal stairway, rear fire escape stairway, and passenger lift.
3. The Tribunal has been provided with a copy of a revised General Health and Safety Risk Assessment Report which was prepared by Safety Consulting Partnership Limited following a survey which took place on 7 April 2026 ("the April 2026 Report").
4. The executive summary to the April 2026 Report states:

"The property currently operates a simultaneous evacuation policy with a waking watch in place. This is due to the flat doors being constructed of hollow timber and even though they have been fitted with intumescent strips, smoke seals and self-closers, they are not suitably fire-rated to support a stay put strategy, as the doors will not protect against spread of fire for a minimum of 30 minutes. Additionally, an audit of the communal doors revealed several issues, including inadequately fire-rated communal doors, side cupboards and also compartmentation issues.

Given the high risk of fire spread due to these factors, it was deemed that a simultaneous evacuation strategy in accordance with NFCC guidance would need to be introduced until such time as the issues are resolved to an acceptable standard, which would allow for a change in strategy to a stay put policy. NFCC guidance on supporting a temporary change to a simultaneous evacuation strategy in purpose-built blocks of flats requires that to support a simultaneous evacuation strategy the property requires either a waking watch to be in place to alert residents to escape in the event of a fire occurring, or alternatively all communal areas of risk and escape are provided with

an interlinked common means of automatic fire detection and alarm to BS5839-1/6 standards, and this must be extended into the entrance lobbies of all flats by means of a rate-of-rise heat detector with sounder, so as to replace the need for a waking watch.

To replace the waking watch, a BS 5839-1/6 Grade A LD2 fire alarm system should be installed in all communal areas of risk and escape, with interlinked rate-of-rise heat detectors installed in flat entrance lobbies to provide the required 86 dB sound level to bedrooms. In the meantime, until an appropriate fire alarm and detection system is installed, a waking watch should be continued, with 24-hour coverage of the building to alert occupants to a fire and facilitate safe evacuation.

The simultaneous evacuation policy should remain in effect until all identified issues with flat doors, communal doors and compartmentation have undergone remedial works to ensure full compliance with FD30S standards.

Advice must be communicated to residents regarding the simultaneous evacuation policy to explain the reasoning, including that if a fire occurs elsewhere in the building it may affect their flat and that it is not safe to stay put. Residents should leave the building as quickly and safely as possible, where it is safe to do so.

Access was gained to two flats during the audit, which confirmed the issues raised in the flat door audit, that front doors are hollow-core and therefore do not meet the FD30S standard. As such, they would not provide adequate fire protection, despite being fitted with fire-rated hinges, intumescent strips and smoke seals.

Additionally, the report noted that some flat entrance doors have visible gaps greater than 3 mm, which, in the event of a fire, could allow smoke and flames to spread into the escape route, potentially obstructing or delaying evacuation.

A communal door audit was previously carried out, which identified the following common issues:

- Hollow timber doors*
- Doors not achieving the required fire-rated thickness*
- Non-fire-rated glazing*
- Warped doors*
- Gaps to tops and sides*
- Non-fire-rated hinges*
- Missing intumescent strips and smoke seals*

The door to the water tank room within the boiler room has been removed and is currently positioned against a nearby wall.

There are issues with service penetrations in the service risers and plant rooms affecting passive fire compartmentation. These

penetrations have not been suitably fire-stopped and pose a risk of fire spread both within and between flats.

In addition, holes were noted in the passage connecting the two sections of the building, and there appeared to be penetrations through ceilings within the water tank rooms along this passageway. The service lift no longer appears to be in use. However, it was noted that some of the lift doors into the shaft were not fully sealed, potentially allowing fire and smoke to spread vertically through the shaft and onto different floors via these gaps.

Most flats have cupboards adjacent to the entrance doors, which in some cases contain electrical meters and are also used for storage. Some of these cupboards have been sealed shut; however, inspection from within one of the accessed flats, as well as external inspection, indicated that they are not of sufficient construction to provide 30 minutes' fire resistance. They were also found to be missing key components such as fire-rated hinges, smoke seals and intumescent strips.

It was also identified that the buildings electrical system does not appear to be compliant, as it runs internally within the walls of the lift shafts and appears to be outdated and in need of modernisation."

5. Directions of the Tribunal were issued on 1 July 2026 ("the Directions"). The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements, insofar as is necessary, in respect of **the work** described in the application. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**
6. The Directions included provision that this application would be determined on the papers unless an oral hearing was requested. No application has been made by any party for an oral hearing. This matter has therefore been determined by the Tribunal by way of a paper determination on 14 September 2026.
7. Colour photographs are provided in the April 2026 Report and the Tribunal did not consider an inspection of the Property to be necessary or proportionate to the issues in dispute.

The Respondents' case

8. None of the Respondents has submitted a reply form to the Tribunal and/or has made representations to the Tribunal opposing the Applicant's application for dispensation from the statutory consultation requirements.

The Tribunal's determination

9. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met.
10. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.
11. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
12. Section 20ZA of the 1985 Act provides that, where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements. In determining this application, the Tribunal has considered *Daejan Investments Ltd v Benson* [2013] UKSC 54, [2013] 1 WLR 854.
13. In all the circumstances and having considered:
 - the Applicant's application;
 - the April 2026 Report; and
 - the fact that none of the Respondents has submitted a reply form to the Tribunal and/or has made representations to the Tribunal opposing the Applicant's application for dispensation from the statutory consultation requirements;

the Tribunal determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of the fire safety work which forms the subject matter of the Applicant's application dated 13 April 2026. The Tribunal is satisfied on the balance of probabilities that it is not practicable to comply with the statutory consultation requirements in this instance.

14. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**

Judge N Hawkes

Date: 14 September 2026

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).