

12649



**Case Reference** : LON/00BE/LDC/2018/0017

**Property** : King & Queen Wharf, Rotherhite Street,  
London SE16 5SQ

**Applicant** : King & Queen Wharf Residents  
Company Limited

**Represent-  
ative** : (1)Darren Richards & (2) Rendall &  
Rittner

**Respondent** : Multiple leaseholders

**Represent-  
ative** : N/A

**Type of  
Application** : Section 20ZA

**Tribunal  
Members** : Judge LM Tagliavini  
Mr. Ridgeway MRICS

**Date and venue  
of hearing  
(Paper)** : 27 February 2018  
10 Alfred Place, London WC1E 7LR

**Date of Decision** : 27 February 2018

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**DECISION**

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## **Summary of the tribunal's decision**

- A. The tribunal determines that it is reasonable and appropriate to dispense with the section 20ZA consultation procedures, in order to allow the Applicant landlord to implement urgent (interim) measures to address fire safety issues, that have been identified by the London Fire Brigade.

## **The application**

1. This is an application made pursuant to the provisions of section 20ZA of the Landlord and Tenant Act 1985 ("the Act") seeking a dispensation of the consultation provisions required by section 20 of the Act.

## **The background**

2. The subject property comprises a complex of 5 main blocks sitting atop and linked via the Car Parking levels below and includes recreational facilities based around a swimming pool. On 19 December 2017, a studio flat in Windsor Court, a block forming part of the subject premises, experienced a fire caused by a faulty fridge/freezer. Although the fire was contained within the flat, the Fire Brigade has since determined as a result of smoke spreading to the upper floors, that there are compartmentation issues that are required to be addressed, together with the installation of an adequate fire detection system. Acting on the determinations of the London Fire Brigade the Applicant has engaged Walking Watch operatives in addition to contractors and consultants to plan for the necessary permanent remedial works.

## **The issues**

3. The Applicant seeks the tribunal's determination as to whether it is appropriate to dispense with the provisions of section 20 of the Act in order that the Applicant can implement and seek to recover the costs of the urgent qualifying works/services of (1) the cost of Walking Watch operatives or an interim fire detection system and (2) the immediate engagement of contractors and consultants to oversee the remedial works, provide guidance and manage the works.

## **The Applicant's case**

4. The Applicant provide to the tribunal a lever arch file of relevant documentation to support its contention that urgent remedial measures are required, which necessitate the serving of section 20 consultations notices.

### **The Respondents' case**

5. The tribunal notes that there has been only one objection received from the lessees of the subject property. This has come from the lessees of Flat 11 Sandringham Court, who oppose the application on the grounds that they do not believe they should be liable for any costs of these interim or permanent fire safety works

### **The tribunal's decision**

6. In reaching its decision, the tribunal is satisfied that the respondent lessees have been notified of this application and have been provided with an opportunity to object to it. The tribunal is also satisfied that urgent remedial works and services are required in accordance with the Fire Brigade determinations in order to minimise the risk to life should another fire occur in the subject premises, while permanent works are assessed and carried out.
7. Therefore, the tribunal dispenses with the requirements of section 20 of the Act to the extent that they are necessary in respect of providing the Walking Watch operatives or an interim fire detection system and employing contractors and consultants to carry out preliminary assessments of the nature and extent of permanent works.

### **Reasons for the tribunal's decision**

8. The tribunal makes this decision in light of the danger presented to the occupants of the subject property if delay were caused in implementing these interim works and services and notes the lack of objections made to this application by the lessees. The tribunal however, emphasises that this dispensation is limited only to the interim works and services included in the application and does not determine the payability or reasonableness of any costs associated with them.

Signed: Judge LM Tagliavini

Dated: 27 February 2018