



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

Case reference : **LON/00BE/LDC/2020/0055P**

Property : **Lock House, Tavern Quay, Rope Street, London SE16 7EX**

Applicant : **Tavern Quay RTM Company Ltd**

Representative : **Canonbury Management Ltd**

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

Representative :

Type of application : **For the dispensation of some of the consultation requirements under s.20 Landlord and Tenant Act 1985**

Tribunal members : **Judge Simon Brilliant**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **29 May 2020**

DECISION

Decision of the Tribunal

The Tribunal determines that those parts of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 ("the Act") which have not been complied with are to be dispensed with.

This has been a remote hearing on the papers which has been not objected to by the parties. The form of remote hearing was P. A face to face hearing was not held because it was not practicable, and all issues could be determined on paper. The documents that I was referred to are in a bundle of 262 pages, the contents of which I have noted. The order made is described at the end of these reasons.

The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by section 20 of the Act. The application was dated 10 April 2020.
2. Directions of the Tribunal were issued on 24 and 29 April 2020.
3. The case was listed for a paper determination. No request had been made by any of the parties for an oral hearing.

The hearing

4. The matter was determined by way of a paper hearing which took place remotely on 29 May 2020.

The background

5. The applicant is the right to manage company managing Lock House, Tavern Quay, Rope Street, London SE16 7EX ("the premises"). The premises consist of 42 flats in 2 buildings.

The application

6. This is a Grenfell Tower type of case. Soon after taking over the management of the premises, a modern clad block, the applicant was informed by the fire authority that in view of the cladding on the outside of the premises all the residents would need immediately to be evacuated. A stay put policy of fire evacuation was no longer considered suitable.
7. Very sensibly, the applicant was able to avert the need for this by engaging 3 waking fire watchers.
8. Such was the obvious urgency of the matter that the applicant was unable to go through the normal tendering and consultation period in respect of the cost of the fire watchers as required by s.20 of the Act.

9. By this application, the applicant seeks to have those requirements dispensed with.
10. In addition, the applicant seeks to replace the waking fire watchers as soon as possible by installing fire alarms. This is on the basis that in the long run this is a cheaper way of protecting the lessees from the risk of fire. The fire alarm system includes CCTV remote monitoring. There is also the need for a 24-hour concierge. The existing concierge works 12 hours per day. The amount of costs to be saved by replacing the waking fire watchers with the fire alarm system is considerable, so it is important for the fire alarm system to be installed as soon as possible and without going through the normal tendering and consultation process.
11. No notice was received from any of the respondents opposing the application.

The evidence

12. The applicant's case is clearly set out in the grounds for seeking dispensation in the application notice dated 10 April 2020.
13. In addition, a fuller account of the applicant's case is contained in its statement of case dated 13 May 2020, signed by Mr McElroy (who also signed the application notice), and who is a director of a corporate member of the applicant.
14. In addition, the bundle included the following documents which I have read:
 - a) HML Fire Risk Assessment.
 - b) London Fire Brigade Fire Risk Assessment.
 - c) Freeholder's report on Cladding by Vemco Consulting Ltd.
 - d) BB7 Fire Engineer's Report on Waking Watch Numbers.
 - e) Schedule of Costs for Waking Watch.
 - f) NFCC Guidelines on change from stay put policy to simultaneous evacuation.
 - g) Essential Group Specification.
 - h) Essential Group Fire Risk Assessment.
 - i) Essential Group Quote for Fire Alarm.
 - j) Essential Group Quote for Removal Costs.
 - k) Ramtech Ltd Specification Page 248
 - l) Schedule of costs for the Fire Alarm.

Decision of the tribunal

15. Section 20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) 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.

16. Dispensation is dealt with by section 20ZA of the Act which provides:-

"Where an application is made to a leasehold valuation 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"

17. The Tribunal is satisfied that, in the particular circumstances of this case, involving a substantial saving of costs, it is reasonable to dispense with the consultation requirements in respect of the provision of waking fire watchers and of the installation of a fire alarm system to replace the waking fire watchers.

18. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

19. I am grateful to the applicant for the well prepared 262 page electronic bundle, which was easy to follow, and which only contained relevant documents.

Name: Simon Brilliant

Date: 29 May 2020