

10883



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

Case Reference : LON/00BK/LDC/2015/0046

Property : Clarendon House, 4-7 Strathearn
Place, London, W2 2NG

Applicant : The Church Commissioners for
England

Representative : Knight Frank LLP

Respondents : (See Schedule attached to these
Reasons)

Representative :

Type of Application : To dispense with the statutory
consultation requirements

Tribunal Members : Mrs H Bowers, MRICS

**Date and venue of
Hearing** : 28th April 2015, 10 Alfred Place,
London WC1E 7LR

Date of Decision : 28th April 2015

DECISION

Decision of the tribunal

The Tribunal grants the application for dispensation from further statutory consultation in respect of the subject works.

REASONS

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the Act") dispensing with statutory consultation in respect of major works.

2. Clarendon House, 4-7 Strathearn Place, London, W2 2NG (the subject property) is described as a converted multi-tenanted house with 12 residential units.

3. The application was dated 30th March 2015. Directions were issued by the Tribunal on 2nd April 2015 listing the matter for a paper determination for the seven days commencing 20th April 2015.

4. The application seeks dispensation in respect of various works in compliance with recommended actions of a Fire Risk Assessment (FRA). The work categorized as high priority on the "FRA actions required" schedule are described as "A fire alarm system conforming to a minimum standard of Grade A Category LD2 coverage should be installed, as recommended in LACORs fire safety guidance. Heat detection should be installed within the entrance hallways to each flat. Smoke detection should be installed throughout the communal areas. All detection should be interlinked." (the subject works).

5. A single bundle was prepared and provided on behalf of the Applicant. There were no separate submissions from any of the Respondents.

Applicant's Case:

6. It was explained that the application had been made as a Fire Risk Assessment (FRA) had been carried out and contained a number of action points required to ensure the fire safety provision of the subject property. The action points had been classified as low, medium and high priority. The Applicant had instructed Knight Frank to implement any high priority actions.

7. It was explained that consultation had already been carried out for an internal re-decoration project that included some work to the main fire alarm. The proposed work was an extension of the original works. It appears that P J Harte (Decorating Contractors) Ltd had quoted for the internal re-decoration works at a price of £12,980.40 (including VAT). As a consequence only a further sum of £2,377 plus VAT is identified as the cost of the provision of the heat sensors and the extension of the fire alarm system.

8. The consultation carried out for the internal re-decoration project had included some of the work recommended in the FRA. However, there was no specific consultation for the additional fire protection work that is the subject of this application. Included in the bundle is a letter dated 27th January 2015 from Knight Frank that was sent to all the leaseholders at Clarendon House.

This letter provided details of the proposed extension to the fire alarm. The FRA was provided, as was the further quotation of P J Harte (Decorating Contractors) Ltd for the additional £2,377.00

9. It is submitted that as the proposed work relates to the fire safety aspects of the subject property it is important to implement the work as quickly as possible.

Respondents' Case:

10. None of the Respondents provided any evidence or submissions in response to the current application.

Determination

11. Section 20ZA(1) of the Act 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.”

12. The Tribunal has taken into account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14.

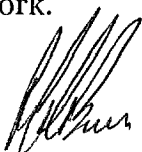
13. There has been no engagement from any Respondents that suggests that the work is not necessary and/or ought to have been the subject of full statutory consultation.

14. There is sufficient evidence before the Tribunal of the necessity to carry out the work urgently, and that it was prudent to contract the works without a full consultation process. The Tribunal is satisfied that delaying the works for such consultation would have been undesirable. No evidence has been put forward of prejudice to the tenants or other grounds on which the Tribunal ought to consider refusing the application or granting it on terms.

15. In all the circumstances the Tribunal grants the application for dispensation from statutory consultation in respect of the works, considering it reasonable to do so. For clarity the works are to provide a fire alarm system conforming to a minimum standard of Grade A Category LD2 coverage should be installed, as recommended in LACORs fire safety guidance. Heat detection is to be installed within the entrance hallways to each flat. Smoke detection is to be installed throughout the communal areas. All detection is to be interlinked.

16. This decision does not affect the Tribunal's jurisdiction upon any application to make a determination under section 27A of the Act in respect of the reasonable cost of the work.

Name: H C Bowers



Date: 28th April 2015

SCHEDULE

Flat 1 - Mr M P Batt

Flat 2 - Mr Benjamin Chung Yan Leung & Ms Amy Hin Kiu Wong

Flat 3 - Mr & Mrs Sammartano

Flat 4/5 - Ms Alessandra M L O Polizzi

Flat 6 - Mr A G & S G Panayi

Flat 7 - Stephen Webster

Flat 8 - David & Jessica Fletcher

Flat 9 - Alfred Marcel and Brenda Pauline Garfield

Flat 10 - Church Commissioners (S/C Shortfall)

Flat 11 - Gavin Charles Essex

Flat 12 - Eladio R P Bueno De Los Rios Carron & Morelia H De Bueno

Basement Flat - Church Commissioners (Staff Flat)