



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

Case Reference : LON/00AF/LDC/2018/0070

Property : Lavender Court, 10 Greenways,
Beckenham, Kent BR3 3NG

Applicant : Lavender Court Beckenham
Management Limited

Representative : Red Rock Estate & Property
Management

Respondents : The tenants of Flats 1 -9 listed in
schedule attached to the
application

Representative : None

Type of Application : For dispensation of the
consultation requirements under
section 20ZA Landlord and Tenant
Act 1985 (as amended)

Tribunal Judge : Judge Pittaway
Mr H Geddes

Date of Decision : 17 May 2018

DECISION

The tribunal's decision

1. The tribunal determines that an order shall be made under section 20ZA of the Landlord and Tenant Act 1985 (as amended) ("the **1985 Act**") dispensing with the consultation requirements with regard to qualifying works in relation to the replacement of the fire alarm system in the common parts of the property.
2. The parties should be aware that this decision does not concern the issue of whether the service charge costs in relation to these works and costs are reasonable and payable and those costs may be the subject of a challenge under section 27A of the Landlord and Tenant Act 1985.

The application

3. The applicant seeks an order pursuant to s.20ZA of the 1985 Act for the retrospective dispensation of any or all of the consultation requirements of section 20 of the 1985 Act. The property concerned is Lavender Court 10 Greenways Beckenham Bromley Kent BR3 3NG, described in the application as a purpose built residential block of nine flats(the "**Property**").

The background

4. The application was received by the tribunal on 13 April 2018. The application seeks retrospective dispensation in relation to the replacement of the fire alarm system in the common parts. The applicant says that the matter is urgent due to the need for a working fire alarm in the building.
5. The applicant indicated that it would be content for the matter to be dealt with by way of written representations.
6. Directions were issued on 27 April 2018 which set out the steps to be taken by the parties.
7. The directions provided that the applicant should immediately send each tenant a copy of the application and the directions. In her (undated) statement of case Ms Rebecca Page of Red Rock Estate & Property Management Limited confirmed that these had been issued to each of the leaseholders by 3 May 2018 and a copy had been displayed on the notice board at the property.
8. The directions further provided that that any tenant who wished to oppose the application should do so by serving a statement to that effect on the tribunal and the applicant by 8 May 2018. The tribunal has received no such notification. The directions further provided that the

tribunal would be entitled to consider that those tenants who did not respond to the directions agreed with the application.

9. The directions indicated that the application would be dealt with on the basis of written representations unless any party requested an oral hearing. No party did so.
10. The tribunal received a bundle of documents from the applicant on 11 May 2018, which included the statement of case from Ms Rebecca Page referred to above, copies of three quotations and a notice of intention to enter into a qualifying work agreement under section 20 of the 1985 Act and have had regard to those documents in reaching its decision.
11. The only issue before the Tribunal is whether it should grant dispensation from all or any of the consultation requirements contained in section 20 of the 1985 Act.
12. The tribunal did not consider that an inspection was necessary.

The Applicant's case

13. In her undated statement of case Ms Page stated that following a power down of the fire alarm system for the building it had become apparent that the necessary replacement parts for the alarm were no longer manufactured as they do not comply with current product manufacturing legislation and that newer components would not work with the existing system, necessitating its replacement.
14. By the date of the application to the tribunal the Red Rock had received two quotations and a third had been obtained by the time she made her statement.
15. Notice of Intention to carry out the work was served on the tenants on 27 March 2018. At that time Red Rock were unsure whether components could be found to repair the existing system. It subsequently became apparent that the system would require replacing.
16. Ms Page states that the residents and leaseholders are aware of the intention to seek dispensation from the consultation requirements.
17. It is the applicant's submission that given the potential danger to life the fire alarm system should be put back in working order immediately and that its replacement should not be delayed pending the section 20 consultation process.
18. Ms Page states that the applicant consulted with all the leaseholders and decided to appoint Churchill Security Systems, from whom one of

the quotations had been obtained (in the sum of £4,650.00 exc VAT) to carry out the work. Churchill have been paid a 50% deposit.

Reasons for the Tribunal's decision

19. The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act "*if satisfied that it is reasonable to dispense with the requirements*".
20. The tribunal note that in her statement Ms Page refers to the potential danger to life.
21. In light of the above the tribunal considers that it is reasonable to dispense with the consultation requirements.

Application under s.20C

22. There was no application for any order under section 20C before the tribunal.

Name: Judge Pittaway

Date: 17 May 2018

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).