



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

Case Reference	:	LON/00AW/LDC/2020/0028
Property	:	49-51 Onslow Gardens, London SW7 3QF
Applicant	:	The Wellcome Trust Limited
Representative	:	Savills (UK) Limited (David Morton)
Respondents	:	All the leaseholders at the property, listed on the schedule attached to the application
Representative	:	Not known
Type of Application	:	Dispensation from statutory consultation pursuant to Section 20ZA Landlord and Tenant Act 1985
Tribunal Members	:	Judge Pittaway Ms Marina Krisko FRICS
Date and venue of Consideration	:	11 March 2020 10 Alfred Place, London WC1E 7LR
Date of Decision	:	11 March 2020

DECISION

The Tribunal grants the application for retrospective dispensation from further statutory consultation in respect of the subject works, namely the replacement of the fire alarm system

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. This application is in relation to 49-51 Onslow Gardens, London SW7 3QF. The Applicant, The Wellcome Trust Limited, is the landlord of the property and the Respondents are the leaseholders.
3. The application, made by Savills (UK) Limited (“**Savills**”) on behalf of the Applicant, was received on 3 February 2020. Directions were issued by the Tribunal on 6 February 2020. The Directions initially listed the matter for a paper determination for the week commencing 9 March 2020, unless any party made a request for a hearing. There was no request for a hearing.
4. The application, received by the tribunal on 3 February 2020, seeks dispensation in respect of the replacement of the fire alarm system, namely the fire detection and alarm equipment throughout the common parts at the property and within the demised flats (stated to be thirteen in the Statement made by “I” (sic) of Savills on behalf of the applicant, although the tribunal note that only 12 leaseholders are given in the schedule attached to the application).

The application was stated to be urgent as the existing fire alarm panel had been examined by two contractors both of whom said it was obsolete. It is submitted by Savills that that the system needed to be replaced in its entirety to ensure that the property was sufficiently covered with regard to fire detection. Savills submitted that the system was imperative to the safety of the property as it raises the alarm that triggers the evacuation policy for the property.

5. Savills’ statement states that the leaseholders were notified on 24 December 2019 that the works would be carried out on 10 January 2020 when a request for access to each flat was made.
6. The directions required the applicant to send the application and the directions to each of the leaseholders and to file a certificate that this had been done with the tribunal by 17 February. The tribunal received no such certificate. It received an e mail from Savills on 18 February which confirmed that the directions had been circulated to the “subject properties”.
7. The directions invited any leaseholder who opposed the application to submit a response form to the Tribunal and to make any statement of

response to the landlord by 24 February 2020. The tribunal received no such responses.

Determination

8. 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.”

9. In the circumstances outlined in Savills’ statement the tribunal give retrospective consent to the dispensation of the need to comply with the statutory consultation requirements of Section 20 of the Act.
10. This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and cost of the works.
11. As directed in paragraph 6 of the directions the applicant should now serve a copy of this decision on all the leaseholders and confirm to the tribunal that it has done so.
12. The tribunal would request that when making such applications the applicant correctly identifies by whom the statement is made. The tribunal also requests that any list of tenants is provided in a readable font.

Name: Judge Pittaway

Date: 11 March 2020

ANNEX - RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.

4. 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.