



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

Case Reference : CHI/00HB/LDC/2021/0042

Property : Beacon Tower, Fishponds Road, Bristol,
BS16 3HQ

Applicant : Beacon Tower Management Ltd

Representative : Brady Solicitors

Respondent : The Leaseholders

Representative : ---

Type of Application : To dispense with the requirement to
consult lessees about major works section
20ZA of the Landlord and Tenant Act 1985

Tribunal Member : Judge Dovar

Date of Determination : 9th June 2021

DETERMINATION

Background

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The Applicant explains that the fire alarm system at the building has been assessed as not complying with fire safety regulations namely and that remedial works are recommended to be carried out in line with MCHLG advice for building owners of multi Storey multi occupied residential buildings.
3. Following an inspection in February 2021, it was recommended that until such time as the necessary remedial works were carried out a new fire alarm system should be installed. That would also avoid the need for ongoing waking watch to be in place.
4. Further the fire alarm system needs to be installed to comply an enforcement notice issued by the Avon Fire and Rescue service which was required to be complied by the 9th of April 2021.
5. It is therefore important for fire safety reasons for the safety of the leaseholders at the property and will save money on ongoing waking watch.
6. In the circumstances the applicant decided that the works to install the system need to proceed as a matter of urgency both ensure the safety of the residents and to ensure compliance with the enforcement notice.
7. The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

DIRECTIONS

8. Having considered the application the Tribunal was satisfied that the matter is urgent, it is not practicable for there to be a hearing and that it was in the interests of justice to make a decision disposing of the proceedings without a hearing (rule 6A of the Tribunal Procedure Rules 2013 as amended by The Tribunal Procedure (Coronavirus) Amendment Rules 2020 SI 2020 No 406 L11.
9. Directions were given, including a notice that the Tribunal intended to deal with the matter on the papers and inviting responses from Leaseholders. Following that, one leaseholders wrote to the Tribunal confirming their consent to the application. There were no objections and no request for a hearing.

DETERMINATION

10. In the circumstances, in light of the urgency and the lack of objection, the Tribunal grants conditional dispensation.
11. The conditions are that the Applicant is to:
 - provide a copy of this determination to each leaseholder; and
 - a written explanation as to how they have located the contractor used to instal the fire alarm system and what other contractors they considered; and
 - at the request of any leaseholder (to be made within 14 days of receipt of this determination), provide them with a copy of any estimate or invoice relating to the said works.
12. Once those conditions are fulfilled, the requirements of the statutory consultation will be waived.

JUDGE DOVAR

Appeals

A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.

The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.