



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

Case reference : **LON/00AH/LDC/2020/0196**

Property : **The Interchange, 390 London Road, Croydon Surrey CR0 2SW**

Applicant : **390 London Road RTM Company Limited**

Representative : **Hudson and Kimm Block Management Limited**

Respondent : **The leaseholders shown on the annexe to the application**

Representative :

Type of application : **Dispensation under s20ZA Landlord and Tenant Act 1985**

Tribunal member : **Tribunal Judge Dutton**

Date of decision : **20th January 2021**

DECISION

This has been a remote determination on the papers, which has not been objected to by the parties. A face-to-face hearing was not held because it was not considered practicable and all issues could be determined on papers before me, as was requested by the applicant in its application. The documents that I was referred to are in a bundle of some 63 pages including the application and directions, the contents of which I have noted.

Decisions of the Tribunal

- (1) I determine that dispensation should be granted from the consultation requirements under s20 of the Landlord and Tenant Act 1985 (the Act) and the Service Charges (Consultation Requirements) (England) Regulations 2003, for the reasons I have stated below.
- (2) I make no determination the reasonableness of the costs of the works, these being matters which can be considered, if necessary, under the provisions of s27A and s19 of the Act.

The application

1. In an application dated 28th August 2020, the applicant sought dispensation from the consultation provisions in respect of an External Fire Wall Review to validate the safety of the building and, if necessary, to meet the requirements of the Governments Building Safety Fund in respect of the building at The Interchange, 390 London Road, Croydon CR0 2SW (the Property). The Property consists of 38 flats and a commercial unit.
2. At the time of the application it appears that no consultation had taken place and that the next available date for a survey was 7th October 2020, thus the need to seek dispensation. I am not aware of the cost of the survey.
3. As a result of the Covid pandemic the issue of the application was delayed and directions were issued on 4th November 2020, setting out the history and requesting that any leaseholder who objected to the application should notify the applicant and complete and return to the tribunal a questionnaire. By letter dated 30th November 2020, Kirsty Hudson of Hudson and Kimm confirmed that the directions had been complied and the application and directions had been emailed to each lessee and placed in the communal noticeboard. I am not aware that any leaseholder has been in contact with the tribunal to object to the application.
4. The survey, I assume, has been undertaken.

Findings

5. The Law applicable to this application is to be found at s20ZA of the Act. I have borne in mind the Supreme Court decision in Daejan and Benson and that no leaseholder has objected. Clearly, in the post Grenfell period the need for fire safety action is essential, particularly if the property in question has any form of external cladding. In addition, the time limit in which to take advantage of the Government's Building Safety Fund is approaching, although now extended until June 2021 following a six-month extension announced in December 2020. On the face of it I can see no prejudice to the respondents by allowing this application. I therefore find that it is reasonable to grant dispensation from the consultation requirements required under s20 of the Act in respect of the fire survey.
6. It will be for the applicant to satisfy any leaseholder that the costs of the works and the works themselves were reasonable and payable under the service charge regime of the leases by which the leaseholders own their interest in their respective flats. My decision is in respect of the dispensation from the provisions of s20 of the Act only.

Andrew Dutton

Name: Tribunal Judge Dutton **Date:** 20th January 2021

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 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 to 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 (ie 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