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

Case reference : **LON/00AH/LDC/2017/0120**

Property : **Solent Court 1258 London Road
Norbury SW16 4EZ**

Applicant : **Solent Court Management Company**

Representative : **Mayfords Estate Agents**

Respondent leaseholders : **Various leaseholders as per the
application**

Representative : **-**

Type of application : **To dispense with the consultation
requirements under S.20 Landlord
and Tenant Act 1985**

Tribunal member(s) : **Mrs E Flint DMS FRICS**

**Date and venue of
determination** : **29 November 2017
10 Alfred Place London WC1E 7LR**

DECISION

Decision of the tribunal

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the works required under an enforcement notice served by the London Fire Brigade.

The Background

1. The application under section 20ZA of the Landlord and Tenant Act 1985 ("the Act") was made by the agents on behalf of the applicants on 10 October 2017.
2. The application concerned an enforcement notice served by the fire brigade requiring certain works to be carried out by 2 November to Solent Court a former office block converted into 104 flats with basement car park in 2000.
3. Directions were issued on 16 October 2017 requiring the applicant to prepare bundles by 8 November to include statements
 - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
 - (ii) The Leaseholders were asked to confirm by 1 November 2017 whether or not they would give their consent to the application.
 - (iii) In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application; and provide copies of all documents to be relied upon.
4. No responses were received from the leaseholders.
5. The lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

The Hearing

6. The hearing was attended by Ms Sherene Changoo of Mayfords and Mr Udhoya Kesauan and Ms Renee Alexis, both directors of the Applicant.
7. Ms Changoo said that on 6 April 2017 the Applicant was served with an enforcement notice by the London Fire Brigade which stipulated various works which were required to be completed by 24 August 2017. The date was subsequently extended and the Brigade inspected the works on 2 November.

8. The Brigade also referred to a 2015 fire risk assessment, the recommendations of which had not been fully complied with. She explained that there had been cash flow problems resulting in not all the items being dealt with, also the new lift was thought to be fire protected but when tested was found wanting; this has been rectified.
9. On 8 May 2017, the block's insurer stipulated works which were to be completed by various dates up to and including 30 August 2017. Compliance with the works was made a condition of the buildings insurance.
10. Both the fire brigade and the insurers identified breaches in the compartmentalisation of the building and other works deemed necessary to ensure the building complied with the statutory requirements as both a place of work (there is a concierge in the ground floor reception) and a residential block of flats.
11. It became evident that monies in the service charge account would be insufficient to pay for all the works and an EGM was held on 7 September. Thirty five lessees attended and voted unanimously that a surcharge should be levied to ensure there were funds to complete the outstanding works.
12. As at the hearing the only works outstanding relate to approximately 10% of the fire doors. The works of compartmentalisation have been successful: within a few days of their completion there was a fire on the 5th floor which was effectively contained. The fire brigade has agreed that following the successful completion of the fire stop works there is now no need to install a new fire alarm system in the building, reducing the overall total cost of the works.

The Decision

13. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
14. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed within a specified time frame and that no prejudice to the lessees has been demonstrated or asserted.
15. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

Name: Evelyn Flint

Date: 1 December 2017