



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

Case Reference : **CAM/00KA/LDC/2019/0036**

Property : **Barons Court, Earls Meade, Luton
LU2 7EY**

Applicant : **Barons Court Luton Limited**

Respondents : **The leaseholders, flats 1-63**

Type of Application : **For dispensation of the
consultation requirements under
section 20ZA**

Tribunal Member : **Judge Wayte**

Date of Decision : **23 December 2019**

DECISION

The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works described in the application.

The application

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (as amended) (“the 1985 Act”) for the dispensation of any or all of the consultation requirements in respect of urgent fire safety works. The property concerned is described in the application as a purpose-built block of 63 flats over four floors, including a basement. Main access is via the ground floor lobby leading to the common area corridor. There are two lifts in the building and three internal stairwells with a number of smaller tenanted lobby areas. There is a gym on the lower ground floor as well as lift motor rooms and electrical intake cupboards (“the Property”). The application is made against the leaseholders in the schedule attached to the application form (“the Respondents”).
2. The issue in this case is whether the consultation requirements of section 20 of the 1985 Act should be dispensed with.

The background

3. The application was received on 25 November 2019. Directions were given the same day with the Applicant required to serve the application and directions on the Respondents. The directions contained a reply form for any leaseholder who objected to the application to return to the tribunal and the Applicant. The Applicant confirmed service on the Respondents by letter dated 28 November 2019.
4. The directions provided that this matter would be considered by way of a paper determination unless a hearing was requested. A hearing was not requested and accordingly the application was considered on the papers on 23 December 2019.
5. The Tribunal did not consider that an inspection was necessary, nor would it have been proportionate to the issues in dispute.
6. 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.

The Applicant’s case

7. Following inspections of the communal areas to the Property serious concerns were raised over the fire compartmentalisation of the building. This led to a change in the evacuation policy in the event of a fire from the current “phased evacuation” (stay put if safe to do so) to a “simultaneous evacuation” (get out, stay out). That change in policy necessitated suitable automatic fire detection and those works were

also required by the fire authorities and the buildings' insurers on an urgent basis.

8. Three quotes were obtained for the fire alarm installation and it was decided to proceed with the lowest quote from Firelec Controls Limited for £11,692.89 plus VAT. The work started on 2 December 2019. There was a directors meeting on 3 December 2019 and a residents meeting on 6 December 2019 to discuss the works, together with other issues affecting the Property.

The Respondents' position

9. The directions provided for any Respondent who wished to oppose the application for dispensation to complete the reply form attached to the directions and send it to the tribunal and the Applicant. Neither the Applicant nor the tribunal has received any response or statement of case in opposition to the application. In the circumstances the tribunal concluded that the application was unopposed.

The Tribunal's decision

10. The Tribunal determines that an order for dispensation under section 20ZA of the 1985 Act shall be made dispensing with all of the consultation requirements in relation to the works outlined above.

Reasons for the Tribunal's decision

11. 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*".
12. The application was not opposed by the leaseholders. The tribunal is satisfied that the works were urgently required and properly authorised. In the circumstances it is appropriate to grant an order for dispensation.

Application under s.20C Landlord and Tenant Act 1985

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

Name: Judge Wayte

Date: 23 December 2019

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).