



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

**Case reference** : **LON/00BE/LDC/2019/0158**

**Property** : **Solarium Court, 105 Alscot Road,  
London SE1 3AW.**

**Applicant** : **Hexagon Housing Association**

**Representative** : **In person**

**Respondent** : **Various Leaseholders as per the  
application.**

**Representative** : **In person**

**Type of application** : **Application for Dispensation from  
the requirements to consult  
leaseholders under S.20ZA  
Landlord & Tenant Act 1985.**

**Tribunal member(s)** : **Aileen Hamilton-Farey**

**Date of decision** : **2 October 2019**

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**DECISION**

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## **Decisions of the tribunal**

- (1) The tribunal having considered the application and received no comments or objections from the respondent leaseholders exercises its discretion and grants dispensation from the any further requirements to consult respondents in relation to fire safety works as described in the application.
- (2) As already identified in the directions, the tribunal makes no findings as to the reasonableness of the costs of the works, or whether those costs may be payable by the respondents.
- (3) The applicant landlord shall issue a copy of this decision to each of the leaseholders identified in the application, and shall place a copy of the decision in each stairwell/notice board in the common parts so as to come to the notice of the leaseholders identified in the application.

## **The application**

1. The applicant seeks a determination pursuant to S.20ZA of the Landlord & Tenant Act 1985 to dispense with the requirements to consult leaseholders in relation to fire safety works identified at the property.
2. The applicants say that originally the building was a health centre and it is believed to have been converted into residential flats in the 1980's. The building which consists of four storeys, concrete floors and a single concrete stairway leading to one fire exit at the front of the building. A fire risk assessment has been carried out and this identified that fire separation works are required to the common parts and that flat entrance doors require either replacing or upgrading.
3. The applicants also say that the works are urgently required and for this reason no formal S.20 consultation was undertaken, but that the residents' association have been provided with plans and proposals and have been kept up to date with progress on the works.
4. Directions were issued by the tribunal on 11 September 2019. These set out the position and required any respondent leaseholder who objected to the application to prepare a statement of case and serve it on the landlord and tribunal by 25 September 2019.
5. No statements have been received, and the applicants have confirmed that they have not received any representations from respondents who oppose the application.

6. In the circumstances, the tribunal is satisfied that the works are of an urgent nature and they should be carried out as soon as possible to ensure the safety of the leaseholders. The tribunal is also satisfied that it is not possible for the applicant to fully comply with the consultation regulations in these circumstances.
7. No evidence has been put before the tribunal to suggest that any leaseholder would suffer prejudice in relation to the grant of dispensation, and the tribunal therefore exercises its discretion and grants dispensation from the requirements to consult in relation to the works identified on the application under this reference.

**Name:** Aileen Hamilton-Farey      **Date:** 2 October 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).