



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

Case reference : **LON/00BK/LDC/2020/0061**

HMCTS Code : **P:Paper remote**

Property : **The Hall, 23a Grove End Road, St Johns Wood, NW8 9BN**

Applicant : **LJ Holdings Limited**

Representative : **Alexander Reece Thompson LLP**

Respondent : **The leaseholders at The Hall**

Type of application : **To dispense with the requirement to consult leaseholders about major works**

Tribunal members : **Judge Angus Andrew**

Hearing venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **17 June 2020**

DECISION

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has been consented to by the applicant and not objected to by the respondents. The form of remote hearing was P: PAPER REMOTE. A face-to-face hearing was not held because it was not practicable and no-one requested the same.

The application and determination

1. On 23 April 2020 the applicant applied to the tribunal for dispensation from the consultation requirements provided by section 20 of the Landlord and Tenant Act 1985 in respect of the proposed installation of a wireless EMS radio fire alarm at an estimated cost of £6,883.70 plus VAT. The applicant consented to the application being determined on the papers alone and without an oral hearing.
2. The tribunal gave directions on 15 May 2020. The directions provided for a paper determination unless any party requested an oral hearing by 27 March 2020. It is apparent that no such request was received by the tribunal.
3. The directions required the applicant by 25 May 2020 to send to each of the respondents and display in a prominent position in the common parts of The Hall copies of the application form and the directions. By email of 19 May 2020 the applicant's representative confirmed that it had complied with that requirement and provided photographs of the documents displayed in the common parts.
4. The directions required any of the respondents who opposed the application to complete a reply form attached to the directions and return it to the tribunal by 1 June 2020. No completed reply forms have been received by the tribunal.
5. As a result of the Covid-19 Pandemic the applicant was required to submit digital papers by email. I was given remote access to those papers that included the application form, nine leases, the tribunal directions, a Fire Risk Assessment from William Martin Health and Safety Consultants, a comprehensive quotation from J B Fire Systems Ltd and email correspondence from the applicant's representative. Having reviewed those documents I am satisfied that the case is suitable for a paper determination. It is on the basis of those documents that I find the facts recorded in the following sections of this decision.

Decision

6. For each of the following reasons I dispense with the consultation requirements provided by Section 20 of the Landlord and Tenant Act 1985, in so far as they relate to proposed installation of a wireless EMS radio fire alarm system at an estimated cost of £6,883.70 plus VAT.

Reasons

7. To quote from the report of William Martin Health and Safety Consultants:-

“The building is not fitted with a fire alarm system. For the age of the development, it is not possible to verify without invasive inspection whether or not structural compartmentation between the flats is sufficient to permit a 'stay put' policy and not require a fire alarm system. At present, in the event of fire there is no mechanism for warning occupants. It does appear that the property was constructed in the 1950s as a purpose built block. The walls separating the flats and the communal areas are brick, and the stairwell is concrete. However separation within the floors/any internal adjoining walls is unknown. In the event of poor compartmentation, a fire could spread quickly and result in entrapment and harm to occupants, without any current system of providing them with warning.”

8. It is therefore apparent that without the installation of an effective fire alarm system the occupiers of the 12 flats at The Hall are at risk. The risk is exacerbated by lack of an effective rear means of escape from The Hall. William Martin assesses that risk as category 2: *“a significant issue that should be resolved promptly; ideally no longer than 3 months”*.
9. The fire alarm system proposed by J B Fire Systems Ltd complies with William Martin’s recommendation of a conformant BS5839 Grade A LD2 detection and warning system.
10. Although I remind myself that I am not concerned with the reasonableness of the estimated cost the applicant has nevertheless obtained 3 quotations and that from J B Fire Systems Ltd is the most competitive.
11. None of the respondents have objected to the application by returning a completed reply form to the tribunal.
12. Under the terms of the respondents’ leases the applicant as lessor is responsible for maintaining the common parts of The Hall that form the effective means of escape in case of fire.

Name: Judge Angus Andrew **Date:** 17 June 2020

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).