



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

**Case Reference** : CHI/21UG/LDC/2020/0096

**Property** : Flats 1-66 The Landmark, 70 Sackville Road, Bexhill-on-Sea, East Sussex TN39 3FA

**Applicant** : Bankside Real Estate Limited

**Representative** : Oakfield PM Limited

**Respondents** : The long leaseholders

**Representative** : -

**Type of Application** : Dispensation with consultation requirements – section 20ZA Landlord and Tenant Act 1985

**Tribunal Member(s)** : Judge E Morrison

**Date and Venue of Hearing** : Determination on papers

**Date of Decision** : 12 January 2021

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DECISION

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## **The application**

1. This is an application by a landlord for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. The application explains that following an inspection by FRC an external façade report dated 20 November 2020 indicated that the external wall system is made of highly combustible materials and recommended that a holistic fire safety review be undertaken by a fire engineer. If that review established an unacceptable risk then the façade would require replacement.
3. In a report from Tri Fire dated 18 November 2020 a fire detection and alarm system was specified in order to change from a “stay put” evacuation procedure to full evacuation. Until installed a waking watch must be employed.
4. This application is in respect of the works referred to in the Tri Fire report only.
5. The application is dated 24 November 2020 and, together with the accompanying report and the Directions dated 2 December 2020, has been served on the leaseholders. The application constitutes the Applicant’s statement of case.
6. The Tribunal directed the leaseholders to respond in writing by 17 December 2020 whether they consented to or opposed the application. The Tribunal has received 41 response forms, none objecting to the application.
7. The Tribunal also directed that the application was to be dealt with on the papers.

## **Decision**

8. In light of the urgency and the ongoing cost of a waking watch, the Tribunal is satisfied that it is reasonable to dispense with all consultation requirements in respect of the works recommended by Tri Fire.
9. This decision is confined to the dispensation from the consultation requirements. The Tribunal has made no determination as to whether the costs of the works were reasonable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would be required.

## Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.