



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

Case reference : **LON/00BJ/LDC/2021/0002 P**

Property : **Lumiere Apartments, 58 St John's Hill, London SW11 1AD**

Applicant : **Lumiere Freehold Limited**

Representative : **Amanda Hardy, company secretary of the applicant, and of Property Resource Limited**

Respondent : **The leaseholders at the Property whose details are annexed to the application**

Representative : **none**

Type of application : **Dispensation under s20ZA Landlord and Tenant Act 1985**

Tribunal member : **Tribunal Judge Dutton
Miss M Krisko BSc (Est Man)
FRICS**

Date of decision : **2nd February 2021**

DECISION

Decisions of the Tribunal

- (1) This has been a remote determination on the papers, which has not been objected to by the parties. A face-to-face hearing was not held because it was not considered practicable and all issues could be determined on papers before us, as was requested by the applicant in its application. The documents that we were referred to are in a bundle of some 50 plus pages including the application and directions, the contents of which we have noted.
- (2) We determine that dispensation should be granted from the consultation requirements under s20 of the Landlord and Tenant Act 1985 (the Act) and the Service Charges (Consultation Requirements) (England) Regulations 2003, for the reasons we have stated below.
- (3) We make no determination the reasonableness of the costs of the works, these being matters which can be considered, if necessary, under the provisions of s27A and s19 of the Act.

The application

1. In an application dated 4th January 2021, the applicant sought dispensation from the consultation provisions in respect of urgent fire detection works to 27 of the 61 flats at the property Lumiere Apartments, 58 St John's Hill, London SW11 1AD (the Property). The Property is a mixed-use Grade II listed building, comprising a converted 1920's cinema, currently sublet, and 61 purpose built apartments of one and two bedrooms completed in 2010. The leaseholders are the owners of the freehold applicant company.
2. Following a compartmentation survey in October 2020, it appears that a number of issues were raised and, following consultation with the London Fire Brigade, it was recommended that all apartments were fitted with fire and heat detectors. Of the apartments within the Property 27 required the installation of the fire and heat detectors, it appearing that 34 flats have already been fitted with this equipment.
3. A service agreement with LifeSafetySystems was produced showing the costs to be £17,280 inclusive of VAT.
4. Directions were issued on 7th January 2021 requesting that any leaseholder who objected to the application should notify the applicant and complete and return to the tribunal a questionnaire. By an email dated 11th January 2021, Amanda Hardy of the Property Resource Management Team confirmed that the directions had been complied with. We were not advised that any leaseholder had objected to the

application. Similarly, we are not aware that any leaseholder has been in contact with the tribunal to object to the application.

Findings

5. The Law applicable to this application is to be found at s20ZA of the Act. We have borne in mind the Supreme Court decision in Daejan and Benson. So far as we are aware no objection has been lodged by a leaseholder. The application indicates that these works have been undertaken following consultation with the London Fire Brigade and appear to be a continuation of the installation works already undertaken to 34 flats at the Property. On the face of it we can see no prejudice to the respondents by allowing this application. We therefore find that it is reasonable to grant dispensation from the consultation requirements required under s20 of the Act in respect of the works set out in the application and as shown on the service agreement with LifeSafeSystems.
6. It will be for the applicant to satisfy any leaseholder that the costs of the works and the works themselves were reasonable and payable under the service charge regime of the leases by which the leaseholders own their interest in their respective flats. our decision is in respect of the dispensation from the provisions of s20 of the Act only.

Andrew Dutton

Name: Tribunal Judge
Dutton

Date: 2nd February 2021

ANNEX – RIGHTS OF APPEAL

1. **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 at the Regional Office which has been dealing with the case.**
2. **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.**
3. **If the application is not made within the 28-day time limit, such application must include a request to 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.**
4. **The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie 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