



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

Case reference : **LON/00AY/LDC/2022/0091**

Property : **The Tower, One St. George Wharf, Nine Elms Lane, Vauxhall, London SW8 2DU**

Applicant : **Berkeley Seventy -Seven Limited**

Representative : **Beth Lancaster of Rendall and Rittner managing agents**

Respondent : **The Leaseholders of the Property as set out on the schedule annexed to the application**

Representative : **None**

Type of application : **Application for dispensation under s20ZA of the Landlord and Tenant Act 1985**

Tribunal member(s) : **Judge Dutton**

Date and venue of hearing : **Paper determination**

Date of decision : **3 August 2022**

DECISION

Decisions of the tribunal

The tribunal determines that dispensation should be granted from the remaining consultation provisions for the reasons set out below.

Background

1. This is an application under section 20ZA of the Landlord and Tenant Act 1985 (the Act) by the landlord, Berkeley Seventy-Seven Limited in respect of the property The Tower, One St. George Wharf, Nine Elms Lane, Vauxhall, London SW8 2DU (the Property) for dispensation from the requirements under s20 of the Act. The application is dated 4 May 2022.
2. I have been supplied with a bundle running to some 85 pages, although there is much duplication, especially of email communications with the Tribunal. I have noted the contents and taken them into account when reaching my decision.
3. It seems that on or about 16 September 2021 the London Fire Brigade (LFB) served an enforcement notice on the Landlord concerning deficiencies in respect of self-closing emergency stairwell doors and refuse chute area doors at the Property. By a letter dated 14 July 2022 the LFB confirmed, following an inspection on 26 May 2022, that *“all deficiencies had been remediated apart from fire doors leading to means of escape stairs”*. It is in respect of these works that dispensation is sought.
4. There are 211 residential flats in the Property, which is a high-rise development completed in 2013. On 29 April 2022 a Notice of Intention was sent to the leaseholders outlining the works needed to self-closing doors, which were bespoke. On 16 May 2022 Notice was given of three quotes received, the lowest by some distance being from Crestwell Limited. The difference prompted the building surveyor to investigate in more detail but led to reassurance as to the ability of the contractor to carry out the work at the price quoted. In fact, the initial quote had to be revised, as set out in a letter from Crestwell Limited dated 6 July 2022 but is still considerably below the other two quotes. However, the costs of the works are not a matter for this application, which relates only to the dispensation element.
5. Directions were issued on 14 June 2022 indicating that, in the absence of any disagreement the application would proceed as a paper determination. I have seen an email from Beth Lancaster of Rendall and Rittner, the managing agents for the applicant landlord dated 20 June 2022 confirming that the directions relating to the service of the application and the accompanying documents had been complied with. I am not aware that any leaseholder has objected to the application to

dispense. The Respondents have been advised that the decision will be made this week.

Findings

6. I have considered this matter solely on the papers before me. This application relates only to the dispensation from the consultation requirements set out at s20 of the Act and the Service Charges (Consultation Requirements (England) Regulations 2013 (the Regulations). It does not relate to the reasonableness or payability of the costs associated with the works.
7. The landlord is liable under the Notice served by the LFB to carry out the works. Indeed, some elements have already been completed but not, it would seem, the fire doors. These are matters that require urgent attention and I am satisfied that it is reasonable to grant dispensation from the consultation requirements. I have borne in mind the Supreme Court decision in Daejan Investments Limited v Benson and others [2013] UKSC 14. There is no evidence of any prejudice caused to the leaseholders and indeed none have raised an objection to the application. Dispensation is therefore granted from the remaining elements of the consultation process as provided for in the Regulations.

Name: Judge Dutton

Date: 3 August 2022

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).