



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

Case reference : LON/00AL/LDC/2017/0050

Property : Point House, 18 West Grove, Greenwich,
London SE10 8QR

Applicant : Bradford Property Trust Ltd

Representative : Town & City Management Ltd

Respondent : Lessees of 9 apartments

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

Tribunal : Judge Nicol

Date of decision : 14th September 2017

DECISION

The Tribunal has determined that the Applicant shall be granted dispensation from the statutory consultation requirements in relation to the proposals to replace the fire alarm system and carry out ancillary works.

Reasons

1. The Applicant is the landlord of the subject property, a converted grade II listed building containing 9 apartments. The fire alarm system ceased operation and the Applicant, through their agents, arranged for it to be replaced. The Tribunal was provided with the lease for one of the flats which, it is assumed, is standard. Under that lease, the Applicant is obliged to maintain the property and keep it insured and the lessees are obliged to pay a proportionate share of the costs incurred.

2. The Applicant's agents obtained 3 quotes to replace the fire alarm system for the following sums (excluding VAT): £6,206 (First Ford), £6,360 (NKM) and £10,499 (JM2). At those prices, the resulting service charges would be large enough to trigger the statutory consultation requirements under section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003. However, the Applicant felt the works were too urgent given the risks inherent in leaving the building without a functioning fire alarm system. By letter dated 25th April 2017 the agents notified lessees of the proposed works in the form required for the first stage of the statutory consultation. On 3rd May 2017 the Tribunal received their application for dispensation from the consultation requirements in accordance with section 20ZA of the Act.
3. The Tribunal made directions on 25th August 2017 requiring the Applicant to display and to send to each lessee both the application and the directions, which they confirmed they did by letter dated 29th August 2017. None of the lessees have commented in response.
4. In accordance with the Supreme Court's decision in *Daejan Investments Ltd v Benson* [2013] 1 WLR 854, the primary issue when considering dispensation is whether any lessee would suffer any financial prejudice as a result of the lack of compliance with the full consultation process. Given the absence of any objections, it is impossible to identify any financial or other prejudice. The only evidence is that urgent works were required.
5. Given the lack of prejudice or objections, the Tribunal is satisfied that it is reasonable to dispense with the statutory consultation requirements.

Name: NK Nicol

Date: 14th September 2017