

10400



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

Case Reference : LON/00BA/LDC/2014/0125

Property : Glebelands, 90 Love Lane, Mitcham,
Surrey, CR4 3DD

Applicant : Hanover Housing Association

Respondents : The 32 tenants specified in the Schedule
annexed to the application

Type of Application : Dispensation with Consultation
Requirements

Tribunal Members : Judge Robert Latham

**Date and venue of
Hearing** : 18 November 2014
at 10 Alfred Place, London WC1E 7LR

Date of Decision : 18 November 2014

DECISION

The Tribunal determines to allow this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985.

The Application

1. By an application dated 22 September 2014, the Applicant seeks dispensation with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 ("the Act"). The application involves 32 tenants at Glebelands, 90 Love Lane, Mitcham, Surrey, CR4 3DD. A schedule of the leaseholders is annexed to the application.
2. The property consists of 32 one and two bedroom flats in a purpose built block of flats in which there are a total of 33 flats. The Applicant contends that urgent works are required to the fire alarm system. On 5 September, the Applicant was advised that by their maintenance contractor that the existing system had broken down and was beyond economic repair. The old alarm could not be repaired. This left the premises without fire detection. Dispensation is sought as it is said that a new system was required urgently to avoid the risk of injury to both tenants and members of the public.
3. On 15 September, landlord delivered by hand a Notice of Intention, dated 12 September, to all the tenants. The proposed works are described as "disconnect and remove existing fire panel, communal smoke detectors and sounders around the communal areas and replace with new". The tenants were advised that the likely costs of the works is £13,000 - £14,000 + VAT. They consider that the quote that they have been given represents value for money, when compared with quotes received for works to another block at Sandino Court, Telford,
4. The only issue for this Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.
5. On 23 September, this Tribunal gave directions.
6. The Applicant was required to supply a copy of both the application and the directions to each tenant immediately upon receipt of the Directions. On 1 October, the landlord wrote to all the tenants enclosing copies of these documents.
7. Any Respondent who supported or opposed the application was directed to return a form which was attached to the Directions by no later than 28 October. No tenant has opposed the application. Lucy Torto, the tenant of Flat 8 has confirmed her support for the application.
8. The Applicant has filed a Bundle of Documents with a supporting statement. April Dobson describes how the block is classed as and "Extra Care" property. The 33 flats are occupied by older people, some

of whom are classed as being frail and vulnerable. Some have dementia. All rent their properties; there are no leaseholders. On 5 September, the existing fire alarm system failed. Their approved maintenance contractor gave an indicative quote of £13,000 to £14,000 + VAT. They consider this to be value for money when compared with three quotes obtained for Sandino Court, Telford which ranged from £19,212 to £32,568. The Applicant has instructed their contractor to carry out the works as a matter of urgency. Had this not have been done, the Applicant would have had to have considered whether to secure alternative temporary accommodation for the tenants.

9. Section 20ZA(1) of the Act provides:

“Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

10. Having regard to the papers before us, the Tribunal is satisfied that it is reasonable to grant dispensation from the consultation requirements. This is justified by the urgent need for the works. The Applicant has taken reasonable steps to bring their proposed action to the attention of the tenants. No tenant has questioned the need for the works or the urgency of the situation. To have insisted that the Applicant follow the strict requirements of the statutory consultation procedure would only cause unnecessary delay and put the tenants at risk. No Respondent have has suggested that s/he would be caused any prejudice were the Tribunal to grant this application.

Robert Latham

Tribunal Judge

18 November 2014