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

Case Reference : LON/00AZ/LDC/2013/0125

Property : Apex Apartments, 30 London Road,
London SE23 3HF.

Applicant : Santander (C F Trustee) Limited

Representative : Acorn Estate Managements

Respondent : Lessees of the Apartments

Representative :

Type of Application : Application for Dispensation under
S.20ZA Landlord & Tenant Act
1985.

Tribunal Members : Miss. A. Hamilton-Farey LLB,
FRICS, FCI Arb

Date of Decision : 20 December 2013.

DECISION

Decisions of the Tribunal

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord & Tenant Act 1985 in relation to works to reinstate stairwell vents at the property, and in accordance with the quotation from PLP Fire & Security dated 24 June 2013 for the sum of £3545.00 plus VAT.

- (2) Lessees were informed in the Directions issued by the Tribunal that the question of reasonableness of the works or cost was not included in this application, and that the sole purpose of the application was to seek dispensation.

Reasons for the Decision:

- (3) The Tribunal determines from the evidence before it, that the works to the stairwell vents was urgently required because hot works were due to be undertaken to the roof of the development, and the vents provided additional safety measures to occupiers.

The Applicants' Case:

1. The application under S.20ZA of the Landlord & Tenant Act 1985 ("the Act") was made by the agents on behalf of the applicants on 15 November 2013.
2. The application concerned works to two stairwell smoke vents which had been found to be inoperative during a routine service inspection. The manufacturers had been contacted their recommendation was that batteries be replaced modules within the system that enabled communication between control panels and the motors of the vents.
3. The Tribunal issued directions on 18 November 2013 which required the applicants to notify the respondents of the application, provide copies of directions and return slip. The applicants confirmed that they had done this.
4. Lessees were informed on 30 August 2013 of the necessity for repair and that an application under S.20ZA was to be made. Lessees were also asked to nominate contractors of their own to undertake these works; however no nominations were received.
5. The applicants received only one quotation from PLP as other contractors were unable to quote without undertaking further diagnostic investigations as a further cost. There was no indication that any other contractor would have been able to carry out the works at a lower cost.
6. Works were also required because of hot works due to be undertaken to the roof of the building under an NHBC claim. It is understood that the smoke vent works were completed in advance of this determination.

The Respondents' Case:

7. The Tribunal received three responses in relation to the application. These were from the lessees of Flats 1, 6, 7 and 11. Each of those lessees supported the application and none required an oral hearing.
8. Nothing was heard from the other lessees that the Tribunal is entitled therefore to determine from this that they did not oppose the application for dispensation.

Aileen Hamilton-Farey