



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

**Case Reference** : CHI/00MS/LDC/2018/0051

**Property** : Mayflower Gate, Atlantic Close, Ocean Way, Ocean Village Southampton

**Applicant** : Mayflower Gate Residents Association

**Representative** : Bridgeford & Co

**Respondents** : The leaseholders

**Representative** :

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

**Tribunal Member(s)** : Judge Tildesley OBE

**Date and Venue of Hearing** : Determination on Papers

**Date of Decision** : 7 August 2018

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DECISION

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## **The Application**

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. This application concerns urgent fire safety works following a fire risk assessment which has given all works a Category 2 rating, and include the installation of 30 minute fire doors and change partitioning within electrical cupboards of 30 minutes resistance.
3. The Applicant obtained one estimate for the work from Maddox in the sum of £46,785 exclusive of VAT. The Applicant also endeavoured to obtain an estimate from another contractor, London Fire Solutions LLP, which was unable to provide a comprehensive estimate in the time given<sup>1</sup>.
4. The application was received on 21 June 2018 despite it being signed on 14 June 2018. The Tribunal noted that the application was deficient. Despite the deficiencies the Tribunal decided to progress the application without delay.
5. Unfortunately the directions were not complied with which necessitated a reissue of the directions on 2 July 2018.
6. The Tribunal directed the Applicant to serve a copy of the application and directions on each leaseholder by 9 July 2018. The Applicant confirmed that a copy of the application and directions had been sent by first class post to each leaseholder on 6 July 2018 .
7. The directions required the leaseholders to return a pro-forma to the Tribunal by 23 July 2018 indicating whether they agreed or disagreed with the application and whether they consented to a determination on the papers.
8. The Tribunal received responses from three leaseholders: Ms M Pacifico (74 Atlantic Close), Mr and Mrs Thomas (39 Atlantic Close) and Mr Chiea (25 Atlantic Close). Mr David Cooper, another leaseholder, wrote direct to the Applicant
9. The Applicant served the Tribunal with a hearing bundle of documents

## **Determination**

10. The Tribunal is satisfied from the application and the documents included in the hearing bundle that the fire safety works are urgent and necessary.

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<sup>1</sup> The Applicant, however, supplied an estimate of £30,406 plus VAT from London Fire Solutions in an email dated 10 July 2018 [387].

11. The Tribunal notes that the three leaseholders who wrote direct to the Tribunal agreed with the application and for it to be dealt with on the papers. Mr and Mrs Thomas, however, expressed their disappointment that the works had not been carried out earlier.
12. Mr Cooper's representations were wide ranging. The Tribunal is satisfied that the application has been properly brought in the name of Mayflower Gate Residents Association. The Tribunal considers that the other issues raised by Mr Cooper go towards the costs of the works which is not a matter for this application.
13. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the fire safety works.**
14. This decision is confined to the dispensation from the consultation requirements in respect of the fire safety works. The Tribunal has made no determination on whether the costs of those works are reasonable or payable. A leaseholder retains the right to challenge the costs of the works by making application to the Tribunal under section 27A of the 1985 Act.
15. The Tribunal will send a copy of this decision to the four leaseholders who responded to the Application.
16. The Tribunal requests that the Applicant notify remaining leaseholders of the decision and affix a copy of the decision in a prominent position in the common areas. **The Applicant to advise the Tribunal this has been done by 21 August 2018.**

### RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking