



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

Case Reference : CHI/00MR/LDC/2018/0038

Property : Horizon Building, 66 Goldsmith Avenue,
Southsea, Hampshire PO4 8EW

Applicant : Adriatic Land 4 Limited

Representative : Residential Management Group Limited

Respondents : The lessees

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 : 9 August 2018

DECISION

The Application

1. This is an application for dispensation from the consultation requirements provided for in section 20 Landlord and Tenant Act 1985.
2. The Applicant explains that the application relates to works that will extend the fire alarm system to the residential apartments. The Fire and Rescue Service have advised that the building as currently constructed poses a high risk of a quick spread of fire. The Fire Service has required the landlord to introduce a waking watch pending repairs to the cladding system and substructure. The Fire Service has indicated that it would review its advice on a waking watch once the fire alarm system has been installed in the residential apartments.
3. The Applicant has obtained three estimates for the works. EFL Fire Security quoted £25,919 plus VAT for a radio based upgrade with smoke detectors and sounders in the 51 residential apartments. EFL also quoted £19,659 plus VAT for a hard wiring option to each flat which will take longer to install. Christie Intruder Alarms quoted £14,338 plus VAT for heat detectors and sounders.
4. The costs of the waking watch for two operatives between 1900 hours and 0600 hours are £1,135.75.
5. Directions were issued on 2 May and 23 May 2018 to progress the Application but it would appear that the previous managing agent had not complied with them. The Tribunal, therefore, reissued new directions on 1 July 2018.
6. The Tribunal directed the Applicant to serve a copy of the application and directions on each leaseholder by 10 July 2018. The Applicant confirmed that a copy of the application and directions had been sent to each leaseholder on 5 July 2018.
7. The directions required the leaseholders to return a pro-forma to the Tribunal by 17 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 five leaseholders: Mr Magill (Flat 34), Mr Bishop (Flats 27& 47), Mr Broughton (Flat 8), Mr Singh (Flat 12) and Ms Ticer (Flat 11)
9. The Applicant served the Tribunal with a hearing bundle of documents on 30 July 2018.

Determination

10. The Tribunal is satisfied from the application and the documents included in the hearing bundle that the extension to the fire alarm system is urgent and necessary. The Tribunal is also satisfied that the Applicant has used its best endeavours to control the costs of the proposed works
11. The Tribunal notes that the five leaseholders who wrote to the Tribunal agreed with the application and for it to be dealt with on the papers. Ms Ticer originally objected to the Application because she thought it related to the works remedying the defects to the cladding. Ms Ticer withdrew her objection once she discovered that the works related solely to the extension of the fire alarm system
12. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the extension to the fire alarm system.**
13. This decision is confined to the dispensation from the consultation requirements in respect of the fire alarm system. 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.
14. The Tribunal will send a copy of this decision to the five leaseholders who responded to the Application.
15. 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