



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

**Case reference** : **CAM/12UB/LDC/2021/0013**  
**P:Paperremote**

**Property** : **Pym Court 171 – 211 Cromwell Road**  
**Cambridge CB1 3EG**

**Applicant** : **Cromwell Road Cambridge**  
**Management Company Ltd**

**Respondent leaseholders** : **The leaseholders, Pym Court**

**Type of application** : **To dispense with the consultation requirements under S.20 Landlord and Tenant Act 1985**

**Tribunal member(s)** : **Mrs E Flint FRICS**

**Date and venue of determination** : **Remote on the papers**

---

**DECISION**

---

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by the Respondent. A face to face hearing was not held because it was not practicable, no-one requested the same, and all the issues could be determined on the papers. The documents that I was referred to were emailed to the Tribunal, the contents of which I have recorded.

**Decision of the tribunal**

- (1) The Tribunal grants dispensation from all of the consultation requirements under S.20 of the Landlord and Tenant Act 1985 in relation to the compartmentalisation and associated works.
- (2) The question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

### **The Background**

1. The application under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) was made by the applicants on 22nd April 2021.
2. The Management Company has applied for dispensation from the statutory consultation requirements in respect of major compartmentalisation works required as a result of the latest fire assessment of the property, a purpose-built development of some 90 flats. A summary of the works produced by Access Fire Risk includes an estimate of the total cost of £91,692.36 plus VAT. Although the work appears to be required to remedy defects in the construction of the properties in or about 2013, the underwriters of the Premier Guarantee New Homes Warranty have declined to cover the cost as the defects insurance period had expired on 20 June 2015.
3. Directions were issued on 13 May 2021 requiring the applicant to prepare bundles by 14 June 2021 to include statements
  - (i) Setting out the full grounds for the application, including all of the documents on which the landlord relies and copies of any replies from the tenants;
  - (ii) The Leaseholders were asked to confirm by 8 June 2021 whether or not they would give their consent to the application.
  - (iii) In the event that such agreement was not forthcoming the leaseholders were to state why they opposed the application; and provide copies of all documents to be relied upon.
4. No response was received from any Leaseholder.
5. The Leaseholders 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, the sole purpose of which is to seek dispensation.

### **The Evidence**

6. A fire compartmentation report was completed on 16 February 2021, the common parts of each block were inspected plus other areas accessible via hatches.
7. Pym Court is a four storey development of 90 flats with car parking spaces and communal gardens. The premises are of traditional construction, with masonry outer walls and internal plasterboard walls. The floors appear to be constructed of in-situ concrete and the roof to each block comprises a flat roof.
8. The site comprises 5 buildings split into blocks of flats located between the ground and fourth floors. The means of escape is via protected staircases. The staircases terminate at ground floor level serviced by a final exit and also discharge into the lift lobby, leading to the front entrance accessible via the entrance lobbies. The stairs give access to a communal corridor and the residential flats on each floor, The roof was not accessed during the survey.
9. The report set out the defects found and the necessary action to remedy the defects all of which were stated to be of “High Priority”:
  - (i) Many service penetrations that leave the risers horizontally and entering the flats have been left free of any fire protection
  - (ii) A number of fire doors were found to be poorly installed resulting in a large gap between the finished floor level and the underside of the door. These doors were said to require immediate attention.
  - (iii) Throughout abutments to the wall/floor and wall/ceiling joints have not been sealed. All areas need to be sufficiently sealed with fire rated mastic.
  - (iv) Throughout all door frames have not been sealed. All frame to plasterboard abutments should be sealed with fire rated mastic/ and backing.
  - (v) Balconies throughout the premises are clad in timber. As timber is a combustible material and the balconies are stacked above each other, it was recommended that the timber be replaced with a non-combustible material to reduce the risk of fire spread.

## **The Decision**

10. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
11. The Tribunal determines from the evidence before it that the works were necessary, were required to be completed urgently and that no prejudice to the lessees has been demonstrated or asserted.
12. On the evidence before it, and in these circumstances, the Tribunal considers that the application for dispensation be granted.

**Name:** Evelyn Flint

**Date:** 16 June 2021

## **RIGHTS OF APPEAL**

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.

