



26 September 2013

My reference: CV/30003601  
Please ask for: Cynthia Vachino

Dear

**RE: Letter Before Action - Fire Safety and Flat Entrance Door**

We are instructed by the Royal Borough of Kensington and Chelsea ('the Borough') and Kensington and Chelsea Tenant Management Organisation ('the TMO').

A Fire Risk Assessment has been carried out at your block and your flat entrance door has been assessed as being of potentially high risk as it may not provide sufficient fire resistance. You were informed of this in the letter sent to you on 11th October 2012. If your door was highlighted at that time you would have received a further letter on 17th October 2012.

Your flat entrance door is demised to you pursuant to the terms of your lease. It is your responsibility to ensure that your flat entrance door is fully compliant with fire safety regulations.

This letter is a letter before action and is notice to you as follows:

1. By 15th October 2013, you are required to provide us with written confirmation and evidence that your flat entrance door meets the required fire safety standards and is fully compliant with fire safety regulations. Such written confirmation and evidence will need to be assessed by the TMO's appointed Fire Consultant who will confirm whether your evidence is accepted.
2. By 15th October 2013:
  - 2.1 If you are unable to provide such evidence, you are required to contact Janice Wray on telephone number [REDACTED] to arrange for an inspection by Mr Carl Stokes, the TMO's appointed Fire Consultant, on one of the following dates. Mr Stokes will inspect your premises to ensure fire safety

Direct Line: [REDACTED]  
Fax: [REDACTED]  
Email: [cynthia.vachino@rbkc.gov.uk](mailto:cynthia.vachino@rbkc.gov.uk)  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)  
DX: 84015 Kensington High Street 2

compliance; this inspection is free of charge as the cost will be met by the TMO.

Thursday 3<sup>rd</sup> October 2013  
Tuesday 8<sup>th</sup> October 2013  
Thursday 10<sup>th</sup> October 2013

- 2.2 You are further required to ensure that such inspection is to have been carried out by 21st October 2013. The cost of this inspection will be borne by the TMO.
3. By 4th November 2013, you are required to have replaced your flat entrance door if it continues to fail to comply with fire safety standards. You will need to replace your flat entrance door with one which is approved and compliant with fire safety regulations. The costs of such replacement will need to be borne by you. We refer you to the information provided in the letters of 11th October and 17th October 2012. We attach an Information Sheet for you. You must ensure that your flat entrance door is either (1) CERTIFIRE/FIRAS approved (Warrington 3<sup>rd</sup> party certification scheme), or (2) BM TRADA Q-MARK approved as complying with British Standards BS 476 Part 22 (FD30S) or equivalent standard, including door frame, self closing device and door furniture. Such approved flat entrance door must be fitted by an approved contractor.
4. If you refuse to replace your flat entrance door with a door which is compliant with fire safety legislation by 4th November 2013, a request will be made to the Council's Environmental Health Department to take further action. This could result in enforcement action being taken against you under Part 1 of the Housing Act 2004. For your information, any enforcement action is likely to proceed along the following lines:
- 4.1 The Council will write to you, requesting that you give access to your home to carry out an inspection of your property to identify any deficiencies/defects that may cause significant hazards, emphasis will be placed on the fire hazard i.e. the absence of a fire resisting door) to you and other residents.
- 4.2 If access is not allowed or is refused, environmental health may apply to the local Magistrates Court for a warrant to enter your premises.
- 4.3 If the warrant is granted, an officer from the Council will enter your home with the Police and locksmith in attendance. Your property would be left in a secure manner once the officer has completed the inspection.
- 4.4 Upon completing the inspection an assessment will be made to assess the hazards and determine if enforcement action is appropriate and necessary.
- 4.5 If so, a legal notice will be served on you requiring works to be carried out to the property within a specified timeframe. You will be charged a fee to cover the costs of enforcement. You will have a right of appeal against the notice. The notice will be recorded on the local land charges register.
- 4.6 If works are not started or completed within the specified timeframes, the Council may undertake the works themselves (works in default) and you may be prosecuted for non compliance.
- 4.7 If access to the property is denied to undertake these works, the Council, if appropriate, may apply to the local Magistrates Court for a further warrant to enter your premises as in paragraph 2 above to carry out works in default.



- 4.8 Any works in default will be subject to a 30% administrative fee to cover the Council's costs.
- 4.9 Any sums outstanding will be recovered as a debt.

As relayed to you in the above referenced earlier correspondence, compliance with fire regulations in blocks of flats is an important issue as it affects the safety and wellbeing of not only of you and your family but of all of the residents in the entire block, as well as visitors and workers. Flat entrance doors are of particular importance as they protect the means of escape from the building in an emergency situation. This is especially important within blocks where the communal lobbies and walkways are enclosed. The doors in these locations are required to meet standards laid down by Building Regulations and Fire Regulations.

Please contact Janice Wray, TMO Health and Safety Team on email [jwray@kctmo.org.uk](mailto:jwray@kctmo.org.uk) or by telephone on [REDACTED] if you would like to discuss this matter further.

However, we confirm that the dates by which we require compliance must be adhered to by you. Failure to do so could result in enforcement action against you as detailed above.

Yours sincerely



Cynthia Vachino  
Solicitor (Housing and Litigation)

Enc. Information sheet September 2013: Fire Doors