



FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)

**Case reference** : LON/00BA/LDC/2024/0613

**Applicant** : HOUSING 21

**Respondent** : THE LEASEHOLDERS OF FLATS  
8,9,10,14,15,16,17,18,19 and 22  
PANTILES HOUSE , 30 LANGLEY  
ROAD, WIMBLEDON SW19 3AN

**Property** : FLATS 8,9,10,14,15,16,17,18,19 and 22  
PANTILES HOUSE , 30 LANGLEY  
ROAD, WIMBLEDON SW19 3AN

**Tribunal** : Judge N O'Brien Mr A Fonka MCIEH

**Date of determination** : 24 February 2025

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**DECISION**

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**Decision of the tribunal**

1. The Tribunal grants the application for dispensation from the statutory consultation requirements in respect of the subject works namely the replacement of the emergency call system.
2. The dispensation is granted on condition that the Applicant;
  - (i) Serve notice of intention to carry out the proposed works on the affected leaseholders,
  - (ii) Supply the leaseholders with an estimate of the cost of carrying out the proposed works,
  - (iii) Give the leaseholders 30 days to respond, and
  - (iv) Have regard to any responses before commencing the works.

**The Application**

3. By an application notice dated 20 September 2024 the Applicant applied pursuant to section 20ZA of the Landlord and Tenant Act 1985 (LTA 1985) for dispensation from the statutory consultation requirements in respect of works to Pantiles House. Pantiles House is an extra care scheme for people over the age of 55. It is a purpose built three storey block consisting of 33 flats. The Respondents are the leasehold owners of 10 of the flats. The Applicant landlord is a charity. The Applicant seeks dispensation in relation to the replacement of the emergency call system which serves the block.
4. In the application notice the Applicant states that the emergency call system has become damaged and is in urgent need of repair. The Applicant intends to upgrade the existing system to a fully digital system which can handle multiple calls at once and which can be accessed by the residents from their personal digital devices. It will also enable flat-to-flat video calls and permit residents to answer their door using a tablet. The primary reason which the Applicant gives for the application is that it says that there is only one supplier, Appello who can provide an emergency call system with this level of functionality. The Applicant has not indicated in its application notice what the likely cost of installing the new emergency call system might be.
5. By directions dated 10 December 2024 the Tribunal directed that the Applicant should, by 14 January, send to the leaseholders and the residential sub-lessees and any recognised tenants association the application, and a brief statement explaining the reasons for the application if not already contained in the application, and the directions by email or post and affix them to a prominent place in the common parts of the property.
6. On 6 January 2025 Ms Careen Wisdom, a housing manager at Pantilles House confirmed by email that she had served the required documentation on each leaseholder by hand on 6 January 2025, and had placed a copy of the same on a noticeboard in the hallway.
7. The directions provided that if any leaseholder or sublessee objected to the application, he or she should inform the Applicant and the Tribunal by 28 January 2025 with any reply by the Respondent to be filed and served by 4 February 2025. The Tribunal did not receive any objections to the Application.
8. The directions provided that the Tribunal would decide the matter on the basis of written representations unless any party requested a hearing. Neither the Applicant nor any of the respondents have requested a hearing.
9. **This determination relates to the works described in the application. It does not relate to whether or not the cost of the works was payable, reasonable or reasonably incurred.**

### **Legal Framework**

7. The Service Charges (Consultation Requirements) (England) Regulations 2003 set out the consultation process which a landlord must follow in respect of works which will result in any leaseholder contributing more than £250 towards the cost. In summary they require the Landlord to follow a three-stage process before commencing the works. Firstly the Landlord must send each leaseholder a notice (usually referred to as a stage 1 notice) of intention to carry out the works and give the leaseholders 30 days to respond. Then the Landlord must supply the leaseholders with a statement with least two estimates for the carrying out of the proposed works , and permit a further 30-day period for observations. Then, if the landlord does not contract with a contractor nominated by the leaseholders or does not contract with the contractor who has supplied the lowest estimate, it must serve a further notice explaining why.
  
8. Section 20ZA of the LTA 1985 provides:

*“Where an application is made to the appropriate tribunal for a determination to dispense with any or all of the consultation requirements in relation to any qualifying works or qualifying long term agreement the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements”.*
  
9. In *Dejan Investments Ltd v Benson and others [2013] UKSC 14* the Supreme Court held that in any application for dispensation under s20ZA of LTA 1985 the Tribunal should focus on the extent, if any , to which the leaseholders are or would be prejudiced by either paying for inappropriate works or paying more than would be reasonable as a result of the failure by the landlord to comply with the Regulations. The gravity of the landlord’s failing or the reasonableness of its actions are only relevant insofar as they are shown to have caused such prejudice. The evidential burden of identifying relevant prejudice lies on the tenants but once they have raised a credible case of prejudice, the burden is then on the landlord/applicant to rebut it.

## **The Decision**

10. The Tribunal determines that it will grant the dispensation sought. We are prepared to assume that the cost of the works will exceed £250 given the description of the works in the application, and the number of flats in the block. None of the leaseholders have objected to the application. The tribunal is satisfied that it will not be possible for the Applicant to supply two comparable estimates for the installation of the emergency call system. Consequently it will not be possible for the Applicant to comply with the second stage of the consultation process. The Applicant has not suggested that it cannot comply with the obligation to notify the leaseholders of its intention to carry out the works, to inform them of the likely cost or to have regard to any observations they might make in response. The Applicant appears to accept this because the Application notice states that the leaseholders will be informed of the rationale for the replacement of the emergency call system and of the likely cost and will be given 30 days to respond before the works commence.

11. The tribunal will grant the dispensation sought but considers that the dispensation should be conditional on the Applicant taking the steps outlined in its application before the works commence. The Applicant must serve notice of intention to carry out proposed works on the affected leaseholders. The notice must explain why the Applicant considers the works to be necessary. The Applicant must also supply the leaseholders with an estimate of the cost of carrying out the proposed works. The Applicant must give the leaseholders 30 days to respond, and have regard to any responses before commencing the works.
12. This determination does not affect the rights of the leaseholder to apply for a determination under s27A of the LTA 1985 in respect of the cost of the works, save as to the question of compliance with the consultation requirements.
13. The Applicant is reminded that, as stated in paragraph 9 of the directions, it is the responsibility of the Applicant to serve a copy of this decision on all the affected lessees.

**Name:** Judge N O'Brien

**Date:** 24 February 2025

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

