



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

Case reference : **LON/00AW/LDC/2024/0633**

Applicant : **Rosemoor Studios Limited**

Respondent : **All of the leaseholders of the premises
known as Rosemoor Studios**

Property : **Rosemoor Studios, Rosemoor Street,
London SW3 2 LX**

Tribunal : **Judge Adrian Jack and Tribunal
Member Alison Flynn MA MRICS**

Date of decision : **13th March 2025**

DECISION

1. The Applicant/landlord has applied for dispensation from the statutory consultation requirements in respect of certain works carried out at Rosemoor Studios Ltd.
2. In October 2024, there was an ingress of water into Flat 1 at the property. This was caused by a failure of the membrane in a balcony above the flat. Works were promptly taken to prevent further ingress. The cost is likely to be in excess of £30,000, which would mean a demand against the leaseholders in the block well in excess of £250 per flat.
3. Under section 20 of the Landlord and Tenant Act 1985 and the regulations made under it, a landlord contemplating carrying out major works (defined as works costing more than £250 per flat) has to carry out a consultation, on pain of having the recoverability of the cost of the works capped at £250 per flat.
4. In this case, the managing agents started an informal consultation with tenants as soon as the problem became apparent. Due to the urgency of the works there was insufficient time to carry out a consultation under section 20.

5. The Tribunal gave directions in this matter on 4th December 2024. The tenants have not participated in the application, which has therefore continued on an undefended basis.
6. In our judgment this is a quintessential case for the grant of dispensation and we do so. The additional works were urgent. A delay to permit the carrying out of a section 20 consultation would have caused prejudice, especially to the tenant of Flat 1. It may well also have incurred further additional costs, since further damage from water ingress was likely.
7. This dispensation does not mean that the tenants cannot challenge the cost or quality of the work done. It simply dispenses with the consultation requirement.
8. There is no application in respect of the fees for applying to the Tribunal, so we make no order in respect of such fees.

DETERMINATION

- (a) The Tribunal grants a dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works the subject of the application.
- (b) The Tribunal makes no order in respect of the fees payable to the Tribunal.

Name: Judge Adrian Jack

Date: 13th March 2025