



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

Case Reference: LON/00AJ/LDC/2024/0648

HMCTS code: P: PAPERREMOTE

Property: Westridge Court 32 Park Hill London W5
2JN

Applicant: Westridge Court Residents Association
Limited (freeholder)

Representative : Colin Bibra (Salma Hussain-Ramjan)

Respondents: The leaseholders of the flats listed in the
schedule to the application

**Type of
Application:** To dispense with the statutory
consultation requirements under
section 20ZA Landlord and Tenant Act
1985

Tribunal: Judge Pittaway

Date of decision: 20 March 2025

DECISION

Description of hearing

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by any Respondent. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because no-one requested a hearing and all issues could be determined on paper.

The documents to which the Tribunal was referred are in a bundle of 30 pages which included the application dated 1 November 2024, a lease of one of the flats and the leaseholders' contact details.

The Tribunal has had regard to the above documents and its directions of 29 November 2025 in reaching its decision set out below.

DECISION

The Tribunal grants the application for dispensation (which it believes to be retrospective from the limited evidence before it) in respect of the subject works ('the works'), namely works to the lift at the Property.

This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of liability to pay, for a reason other than non-consultation in respect of the subject works, and the reasonableness and/or the cost of the subject works.

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (the '**Act**') for retrospective dispensation from consultation in respect of the works to the Property.
2. The Applicant seeks dispensation from the consultation requirements on the ground that the works are urgent as there are elderly residents at the property who require use of the lift, and that there is not sufficient time to follow the section 20 consultation requirements.
3. The application did not give the cost of the works but stated that the works are 'qualifying works'. Service Charges (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if it is planned to carry out

qualifying works which would result in the contribution of any tenant being more than £250.

4. The bundle contains no evidence of any section 20 notices having been served before the works were undertaken, nor what estimates for the works were obtained. The application stated that the Applicant was going to give notice of the works to the leaseholders and its intention to seek dispensation from the s20 consultation requirements
5. By directions dated 29 November 2024 (the ‘**directions**’) the Tribunal directed that the Applicant by 9 December 2024 send each leaseholder and any residential sublessees the application, a brief statement to explain the reason for the application (if not contained in the application) and the directions and display a copy in a prominent place in the common parts of the property, and to confirm to the Tribunal by 12 December 2024 that this had been done. On 6 December the applicant confirmed that the documents had been posted to all the leaseholders by first class post on 5 December and that the documents were that day being placed on the noticeboard at the Property.
6. The directions provided that if any leaseholder/sublessee objected to the application he/she should do so, to the Applicant and the Tribunal, by 23 December 2024. The Tribunal received no objections and the Applicant stated that it had received none.
7. The directions provided that the Tribunal would decide the matter on the basis of written representations unless any party requested a hearing. No such request has been made.

The Applicant’s case

8. The bundle contains limited information. The application describes the Property as a purpose built block of twelve flats. It confirms that the works are qualifying works, that had not been carried out at the date of the application. It states that the application itself can be dealt with on the Standard Track although the works themselves are urgent as the elderly residents on site need use of the lift.

Responses from the Respondents

9. The Tribunal received no responses from any Respondent and the Applicant stated that it had received none.

Determination and Reasons

10. Section 20ZA(1) of the Act provides:

“Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any 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.”

11. The purpose of section 20ZA is to permit dispensation with the consultation requirements of section 20 of the Act if the Tribunal is satisfied that it is reasonable for them to be dispensed with.

12. The Tribunal determines that the Respondents are not prejudiced by the works and it is reasonable to dispense with the consultation requirements.

13. In reaching its decision the Tribunal has considered the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14, and has had regard to the application and the documents provided, in particular the stated need for the works to be undertaken urgently as the lift is needed by elderly residents.

14. Whether or not the Respondents are liable for the cost of the works by reason of the terms of their leases, any statutory provision other than section 20ZA, and whether the works are carried out to a reasonable standard and at a reasonable cost are not matters which fall within the jurisdiction of the Tribunal in relation to this present application. This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A of the Act in respect of liability to pay and the reasonableness and /or cost of the works.

15. The Applicant is reminded that, as stated in the Directions, it is the responsibility of the Applicant to serve a copy of this decision on all Respondents.

Name: Judge Pittaway Date: 20 March 2025

ANNEX - 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.