



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

<b>Case Reference</b>	:	<b>LON/00AY/LDC/2025/0656</b>
<b>Property</b>	:	<b>St Paul's Court, 146 Clapham Park Road, London, SW4 7DE</b>
<b>Applicant</b>	:	<b>St Paul's Court RTM Company Limited</b>
<b>Representative</b>	:	<b>Hurford Salvi Carr Property Management Ltd</b>
<b>Respondents</b>	:	<b>Various Leaseholders of 146 Clapham Park Road London SW4 7DE</b>
<b>Representative</b>	:	<b>None</b>
<b>Type of Application</b>	:	<b>For dispensation from the consultation requirements under Section 20ZA Landlord &amp; Tenant Act 1985</b>
<b>Tribunal</b>	:	<b>Mr R Waterhouse BSc (Hons) LLM Property Law MA FRICS</b>
<b>Date of Decision</b>	:	<b>1 April 2025</b>

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**DECISION**

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This has been a remote paper determination, which has been consented to by the parties. A face-to-face hearing was not held because it was not practicable, and no one requested same.

The documents the Tribunal were referred to were in a bundle of some 113 pages.

## **Decision**

- (1) The Tribunal determines that unconditional dispensation should be granted from the consultation requirements from Section 20ZA of the Landlord and Tenant Act 1985 (the Act) in respect of the property 146 Clapham Park Road, London SW4 7DE.**
- (2) We make no determination as to the reasonableness of the costs of same, these being matters which can be considered, if necessary, under the provisions of s27A and s19 of the Act.**

## **The Application**

1. This Application received 19 February 2025, is made by Hurford Salvi Carr Property Management Ltd on behalf of, St Paul's Court RTM Company Limited, Southern Land Securities Limited.
2. The Application seeks dispensation from the consultation requirements under Section 20ZA of the Landlord and Tenant Act 1985.
3. The Application is concerned solely with the question of what consultation if any should be given of the consultation requirements of Section 20 of the 1985 for works costing in excess of £250 per flat. It is not concerned with the reasonableness or payability of any service charges which may arise.

## **The Determination**

4. A written Application was made by Hurford Salvi Carr Property Management Ltd. The tribunal considered the written bundle of 113 pages, in support of the Application.

## **Background**

5. The property St Paul's Court, 146 Clapham Park Road, London, SW4 7DE. The building comprises 2 purpose-built blocks comprising 43 flats, 40 flats of 1 and 2 bedrooms within St Paul's Court and 3 flats in St Paul's Mews one three-bedroom flat and two other flats.
6. The Application Form notes; a non-functioning lift in the building has caused significant inconvenience and hardship, particularly those residing

on the upper floors the top floor is 6<sup>th</sup> floor. The lack of a working elevator impacts daily routine, making it difficult to carry groceries, commute efficiently, and access essential services. This issue is specifically concerning for the elderly residents, individuals with mobility challenges, and families with young children, as they face increased physical strain and potentially safety risks. Additionally in the event of an emergency, the absence of a functioning lift could delay response times and create hazardous situations.”

7. Under “Grounds for Seeking Dispensation”; the applicant notes the only lift covering all 6 floors at St Paul’s Court is currently not functioning. Fault finding work by current lift consultants under the service contract has been ongoing for a number of weeks. It has been determined that the motor of the only lift in St Paul’s Court has shorted out. Lift consult expert advice with motor specialist in attendance states lift motor requires a rewind and replacement of bearings.
8. Currently as it is assessed that the brakes and HPV Drive are in working order. Once the motor has been fixed, should there be a brake fault or HPV Drive fault, they will also be fixed / replaced to bring lift back to working order.
9. It becomes qualifying works as cost estimate to works to the motor is greater than £25499.56, which is the limit when one of the Leaseholders pays over £250 towards the works in their service charge.
10. The Application Form notes in terms of consultation; “A communication has been sent out to all leaseholders explaining the investigation conducted by the lift service contractor and their Motor Specialists and explained that the cost quoted has exceeded the S20 threshold.”
11. The Directions dated **25 February 2025**, provided for the tenants to be given copies of the Application form, a brief statement to explain the reasons for the Application and display a copy of the directions in a prominent place in the common parts of the property. This to be done by the **10 March 2025** and the Tribunal notified as such by the **12 March 2025**.
9. The Directions also note that any leaseholder who opposes the Application should by the **21 March 2025** complete the reply form and return it to the Tribunal. The Landlord may by the **26 March 2025** provide a brief reply to any leaseholder who opposes the Application.
10. The Landlord confirmed to the Tribunal within their submission that by **21 March 2025** that no objections had been received.

11. The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements of Section 20 of the 1985 Act. **This Application does not concern the issue of whether any service charge costs will be reasonable or payable.**

### **Documents**

12. The Tribunal has had recourse to the Bundle of 113 pages which includes the Application form, Directions, statement of case, letters of support from the leaseholders, copy of lease, and invoices.

### **The Tribunal's decision**

13. The Tribunal grants dispensation under Section 20 ZA of the Landlord and Tenant Act 1985 and the Service Charges (Consultation) (England) 2003 for the works set out in the Application.
14. We are, aware of the judgment in Daejan Investments Limited v Benson and others [2013] UKSC 14. The Application for dispensation is not challenged.
15. The Supreme Court (Lord Neuberger at para 50) accepted that there must be real prejudice to the tenants. Indeed, the Respondents do not oppose the Application. It is accepted that we have the power to grant dispensation on such terms as we think fit. However, the Landlord is entitled to decide the identity of the contractors who carry out the work, when they are done, by whom and the amount. The safety net for the Respondents is to be found in Sections 19 and 27A of the Landlord and Tenant Act 1985.
16. Accordingly, we find that unconditional dispensation should be granted.
17. Our decision is in respect of the dispensation from the provisions of s20 of the Act only. It is open to the opposing leaseholder or others to apply under the Landlord and Tenant Act 1985 Section 27A, should there be concerns over the payability and reasonableness of the service charge, these may include concerns over necessity, quality of work and its cost.

*Richard Waterhouse*

**Name: Richard Waterhouse  
FRICS**

**1 April 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 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 to 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 (ie 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**