



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

Case Reference	:	LON/00BK/LDC/2025/0612
Property	:	Block 6, 71-83 Ashley Gardens, London, SW1P 1HW
Applicant	:	Block 6 Ashely Gardens Ltd, represented by Fry and Co
Respondents	:	The leaseholders listed in the appendix
Type of Application	:	Dispensation from consultation requirements under Landlord and Tenant Act 1985 section 20ZA
Tribunal Members	:	Judge Professor R Percival
Venue	:	Remote paper determination
Date of Decision	:	31 March 2025

DECISION

Decisions of the tribunal

- (1) The Tribunal, pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”), grants dispensation from the consultation requirements in respect of the works which are the subject of the application.

Procedural

1. The landlord submitted an application for retrospective dispensation from the consultation requirements in section 20 of the Landlord and Tenant Act 1985 (“the 1985 Act”) and the regulations thereunder, dated 8 January 2025.
2. The Tribunal gave directions on 5 February 2025. The directions provided for a form to be distributed to those who pay the service charge to allow them to object to or agree with the application, and, if objecting, to provide such further material as they sought to rely on. The application and directions was required to be sent to the leaseholders and any sublessees, and to be displayed as a notice in the common parts of the property. The deadline for return of the forms, to the Applicant and the Tribunal, was 12 March 2025.
3. The Applicant confirmed that the relevant documentation had been sent to the leaseholders.
4. No response from any of the leaseholders has been received by the Tribunal. The Applicant confirmed that no responses had been received by it.

The property and the works

5. The property is an eight storey block, containing 19 flats.
6. The works are related to propping of the building. The Applicant’s managing agent relates that they have been advised by their building surveyor that there are structural problems to one of the elevations at the building. It appears that temporary propping was arranged by the previous managing agent. That work was not properly carried out in accordance with the structural engineer’s recommendations. Following an inspection, the structural engineer has recommended urgent remedial work.
7. The Applicant received a quotation arranged by their surveyor for £5,520 plus VAT, which it accepted. A detailed specification for the works is included in the hearing bundle. That document suggests that

there was another quotation for £7,283 plus VAT. That the work has been undertaken is indicated on the application form. I assume that the final invoice is at or close to the quotation.

8. No consultation has been undertaken. The project was approved by the Applicant company as a matter of urgency.

Determination

9. The relevant statutory provisions are sections 20 and 20ZA of the Landlord and Tenant Act 1983, and the Service Charges (Consultation etc)(England) Regulations 2003. They may be consulted at the following URLs respectively:

<https://www.legislation.gov.uk/ukpga/1985/70>

<https://www.legislation.gov.uk/uksi/2003/1987/contents/made>

10. The Tribunal is concerned solely with an application under section 20ZA of the 1985 Act to dispense with the consultation requirements under section 20 and the regulations.
11. From the account given by the managing agent, it appears that there was genuine urgency, which would be sufficient alone to justify dispensation.
12. In any event, no response has been received from any of the leaseholders objecting to the application, either by the Tribunal or, it reports, the Applicant. It is therefore clear that none of the leaseholders have sought to claim any prejudice as a result of the consultation requirements not having been satisfied. Where that is the case, the Tribunal must, quite apart from any question of urgency, allow the application: *Daejan Investments Ltd v Benson and others* [2013] UKSC 14; [2013] 1 WLR 854.
13. This application relates solely to the granting of dispensation. If the leaseholders consider the cost of the works to be excessive or the quality of the workmanship poor, or if costs sought to be recovered through the service charge are otherwise not reasonably incurred, then it is open to them to apply to the Tribunal for a determination of those issues under section 27A of the Landlord and Tenant Act 1985. Similarly, this decision does not in any way affect any rights that the leaseholders may have under the Building Safety Act 2024.

Rights of appeal

14. 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 London regional office.

15. The application for permission to appeal must arrive at the office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
16. If the application is not made within the 28 day time limit, the 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 these reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
17. The application for permission to appeal must identify the decision of the Tribunal to which it relates, 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.

Name: Judge Prof Richard Percival **Date:** 31 March 2025

APPENDIX: THE RESPONDENT LEASEHOLDERS

Basement Flat	Ashley Gardens Develco Ltd
Flat 71	Mr David S Franes
Flat 72	Mr Nassar Al Nassar
Flat 73	Mr Darun Dhamija
Flat 74	Mrs Reykha Kasimova
Flat 75	Mr S Mitchell
Flat 76a	Ms Jane Elizabeth Franes
Flat 76b	Staffordshire Investments Ltd c/o Ian Black
Flat 77	Mr Abdelelah S A Bin Mahfouz c/o Sedco Services Ltd
Flat 78a	Dr Amin Jaffer
Flat 79	Mr Yaser Bin Mahfouz c/o Sedco Services Ltd
Flat 80	Mrs Roya Khalili
Flat 80a	Mrs Syed Jaffery
Flat 81	Ringstone Ltd c/o Pentera Trust Company
Flat 82a	Mr Simon Franes/S Franes Ltd
Flat 82b	Mr Yaser Bin Mahfouz c/o Sedco Services Ltd
Flat 83b	Mr James Ramsey
Flat 83c	Mrs Lindsey McCaig