



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

Case Reference	:	LON/00AY/LDC/2025/0649
Property	:	1-22 Wilson House and 1-17 Raleigh House
Applicant	:	The Mayor and Burgesses of the London Borough of Lambeth
Respondents	:	The leaseholders of flats in Wilson House and Raleigh House set out in the appendix to this decision
Type of Application	:	Dispensation from consultation requirements under Landlord and Tenant Act 1985, section 20ZA
Tribunal Member	:	Judge Professor R Percival
Venue	:	Remote paper determination
Date of Decision	:	27 May 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 10 February 2025. The application is specifically to dispense with the requirements of Service Charges (Consultation Requirements) (England) 2003 Regulations, schedule 3, as the works are to be, or were, carried out by a contractor under a long-term qualifying agreement (regulation 7).
2. The right to consultation under section 20 applies to long leaseholders. The Applicant states that the two blocks that are the subject of this application are “mixed tenure”, but also that there are 18 “leaseholders” (in 18 flats). Leaseholders for all 18 flats are listed in the bundle by the Applicant. I assume therefore that all 18 of the flats are held on long leases and the leaseholders are all therefore Respondents to the application.
3. The Tribunal gave directions on 13 March 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 were 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 14 April 2025.
4. The Applicant confirmed that the relevant documentation had been sent to the leaseholders and displayed as required.
5. No response from any of the leaseholders has been received by the Tribunal.

The property and the works

6. The properties are two purpose-built, low-rise blocks. There are 11 flats in Wilson House and seven flats in Raleigh House.

7. The works are to replace failed and obsolete gas detection systems. The cost of the works is given as £8,069.24 for Wilson House and £7,507.23 for Raleigh House.
8. On 22 January 2025, the Applicant wrote to the leaseholders explaining that this application would be made, and including a useful FAQ.

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. The Applicant's primary submission is that there is no prejudice to the leaseholders, and so the Tribunal should allow dispensation without conditions, as required by *Daejan Investments Ltd v Benson and others* [2013] UKSC 14, [2013] 1 WLR 854.
12. No response has been received from any of the leaseholders objecting to the application by the Tribunal (or, I assume, by the Applicant – at any rate, the Applicant has not indicated that it has received any, albeit there was no obligation to do so imposed by the directions). 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. In that situation, I agree with the Applicant's submission. *Daejan* requires the Tribunal to allow the application, without more.
13. I note that the submission also refers to the urgency of the work, an argument that I would have accepted, given the health and safety implications of no functioning gas detection system, had it been necessary to do so.
14. 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.

Rights of appeal

15. 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.
16. 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.
17. 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.
18. 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:** 27 May 2025

APPENDIX: THE LEASEHOLDER RESPONDENTS

22 Wilson House	Ms Anne-Marie Banton
20 Wilson House	Ms Isobel Jilyan Askwith and Mr Edward Mark Brodie Askwith
17 Wilson House	Ms Benjamina Mukete Esapa
16 Wilson House	John William Eden
15 Wilson House	Rev James J G Fletcher and Ms Caroline R Fletcher
14 Wilson House	Mr Antonio Jumbo
12 Wilson House	Mr Joseph Wolf
11 Wilson House	Mrs Harriet Kenney
7 Wilson House	Mr Benjamin R.B. Collard
2 Wilson House	Ms Kasha Su Ting Yip
1 Wilson House	Mr Robert Ashby and Mrs Wendy Jean Ashby
9 Raleigh House	John James Porter and Henry Macarthur Porter
16 Raleigh House	Mr Warren Boyd Malone
15 Raleigh House	Ms Svetlana Borozdenkova
14 Raleigh House	Victoria Elizabeth Maynard
5 Raleigh House	Mr Sebastian Richard Butler and Mr Zachary Cerne Butler
4 Raleigh House	Ms Molly Flynn
1 Raleigh House	Mrs Clare Jane Jehan