



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

Case reference : **LON/00AW/LDC/2025/0648**

Property : **28 Drayton Place, London SW3 2SB**

Applicants : **Ellis & Sons Amalgamated Properties Limited**

Representative : **Dexters Block Management**
Flat 1 - Ellis & Sons Amalgamated
Flat 2 - Mr G Khouri
Flat 3 - Mr Jude Barker-Mill

Respondents : **Flat 4- Mr Paul Saunders**
Flat 5 - Naji Aziz
Flat 6 - Mr Paolo Jandelli Scorpione

Type of application : **To dispense with the requirement to consult leaseholders**

Tribunal Member : **Judge N Hawkes**
Mr S Wheeler MCIEH CEnvH

London Panel : **10 Alfred Place, London WC1E 7LR**

Date of paper determination : **28 May 2025**

DECISION

Decision of the Tribunal

Pursuant to section 20ZA of the Landlord and Tenant Act 1985, the Tribunal grants dispensation from with the statutory requirement to consult leaseholders in respect of the work which forms the subject matter of the Applicant's application dated 28 November 2024.

Background

1. By an application dated 28 November 2024, the Applicant has applied to the Tribunal under section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to 28 Drayton Place, London SW3 2SB ("the Property").
2. The Property is a building comprising five storeys plus a basement, with a mansard roof, which contains six flats. The flats are let to the Respondents on long leases and the Applicant is the Respondents' landlord.
3. The grounds for seeking dispensation are that, in 2024, work was urgently required to repair a defective downpipe at the rear of the building which was leaking toilet waste onto the flat roof of the Property and causing toilet waste to splash onto nearby windows. The Tribunal has been informed that an initial notice of intention to carry out the work was served on the lessees but that the work was then completed due to the urgent nature of the issue.
4. Directions of the Tribunal were issued on 5 March 2025 and were amended on 28 April 2025 ("the Directions").
5. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements, insofar as is necessary, in respect of **the work** described in the application. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**
6. The Directions included provision that this application would be determined on the papers unless an oral hearing was requested. No application has been made by any party for an oral hearing. This matter has therefore been determined by the Tribunal by way of a paper determination on 28 May 2025.
7. The Tribunal did not consider an inspection of the Property to be necessary or proportionate to the issues in dispute.

The Respondents' case

8. None of the Respondents has submitted a reply form to the Tribunal and/or has made representations to the Tribunal opposing the Applicant's application for dispensation from the statutory consultation requirements.

The Tribunal's determination

9. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met.
10. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.
11. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
12. Section 20ZA of the 1985 Act provides that, where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements. In determining this application, the Tribunal has considered *Daejan Investments Ltd v Benson* [2013] UKSC 54, [2013] 1 WLR 854.
13. In all the circumstances and having considered:
 - the Applicant's application;
 - the evidence filed in support of the application; and
 - the fact that none of the Respondents has submitted a reply form to the Tribunal and/or has made representations to the Tribunal opposing the Applicant's application for dispensation from the statutory consultation requirements;

the Tribunal determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of the work which forms the subject matter of the Applicant's application dated 28 November 2024. The Tribunal is satisfied on the balance of probabilities that it was not practicable to comply with the statutory consultation requirements in this instance.

14. This decision does not concern the issue of whether any service charge costs will be reasonable or payable.

Judge N Hawkes

Date: 28 May 2025

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).