



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

Case reference : **LON/00AW/LDC/2025/0669**

Property : **Dalmeny House, 9 Thurloe Place,
London SW7 2RY**

Applicant : **Alfred Place Limited and
Thirdpart 2003 Limited**

Representative : **Mills & Reeve LLP**

Respondents : **The Leaseholders of apartments 1-8
(inclusive), Dalmeny House as per the
schedule of leaseholders annexed to the
original application**

Type of application : **For dispensation under section 20ZA of
the Landlord & Tenant Act 1985**

Tribunal member : **Mr A Parkinson MRICS**

Date of decision : **23 June 2025**

DECISION

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was P:PAPER REMOTE. The Directions provided for the application to be determined on the papers unless any party requested a hearing. No party has requested a hearing. The Applicant has filed a bundle in support of the application.

Introduction

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the Act”) for *retrospective* dispensation with the consultation requirements in relation to asbestos removal works required for Dalmeny House, 9 Thurloe Place, London SW7 2RY (“the property”).
2. The Applicant is the landlord of the property and the Respondents are the long leaseholders of the eight apartments. The property is an eight storey mixed use period building comprising eight residential apartments across the first, second, third and fourth floors and one apartment on the sixth floor. There are shop and commercial premises at basement and ground floor levels and hotel accommodation on floors five and six.
3. By an application dated 28 February 2025 the Applicant applied for retrospective dispensation from the statutory duty to consult in respect of asbestos removal works. The application has been issued by Mills & Reeve LLP as the Applicant’s representative.
4. On 21 March 2025 the Tribunal issued Directions. By 28 March 2025 the Applicant was directed to send to each of the Respondent leaseholders (and any residential sublessees) and to any recognised residents’ associations, by email, hand delivery or first-class post:
 - copies of the application form (excluding any respondents’ telephone numbers or email addresses, or any separate list of respondents’ names and addresses) unless already sent by the applicant to the leaseholder/sublessee;
 - If not already detailed in the application form a brief statement to explain the reasons for the application and a copy of any surveyors report and estimate of costs for the works
 - the directions;
 - Display a copy of these in a prominent place in the common parts of the Property (again, excluding any respondents’ telephone numbers or email addresses, or any separate list of respondents’ names and addresses); and
 - By 7 April 2025 send an email to the tribunal at London.Rap@justice.gov.uk to confirm that this has been done and stating the date(s) when this was done.

On 4 April the applicant’s representative confirmed that it had complied with this Direction.

5. Any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the tribunal and to the applicant by 28 April 2025. None of the leaseholders returned a completed Reply Form or opposed the application.
6. The Applicant has provided a Bundle of Documents (295 pages) (“the bundle”) in support of the application. This includes various documents including the leases for the eight apartments within the property, the asbestos report and the asbestos removal quotation for the works.
7. Within the bundle is an asbestos management survey report dated 15 November 2024. This report contains details of the presence of high risk asbestos, with recommendations for the removal of the high risk asbestos containing material and Enviro Clean by licenced contractors.
8. Also within the bundle is an Integral Environmental Solutions Ltd quotation dated 19 November 2024 for asbestos removal works to the basement boiler room and rear communal yard totalling £15,619 excluding VAT.
9. On 28 November 2024, Integral Environmental Solutions Ltd were instructed to carry out the works in accordance with their 19 November 2024 quotation. The works commenced on 8 January 2025 and were completed on 20 January 2025.
10. On 29 November the respondents were advised by email of the need to remove the asbestos.
11. In a letter accompanying the bundle dated 23 May 2025, the applicant’s representative submits that the works were carried out urgently on health and safety grounds and that the urgent removal of the asbestos was required to ensure that areas of the property could remain accessible, including an emergency escape route.
12. It is the Applicant’s case that it is reasonable to dispense with the dispensation requirements because no real prejudice has been caused to the respondents from the applicant’s failure to follow the consultation requirements.
13. On 23 May 2025, the applicant’s representative submitted an Order 1 application to substitute Alfred Place Limited and Thirdpart 2003 Limited as applicants in this case in place of Damor Investments Limited and RBC Trustees (Jersey) Limited. This application was dealt with by Judge Dutton in an order dated 3 June in which he considered it fair and just to substitute Alfred Place Limited and Thirdpart 2003 Limited as the Applicant in this case.

Relevant Law

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

“Where an application is made to the appropriate 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.”

15. **The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements in relation to the asbestos removal works. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

Decision

16. As directed, the Tribunal’s determination “on the papers” took place on 23 June 2025 and was based solely on the documentary evidence filed by the Applicant. As stated earlier, no objections had been received from any of the Respondents.
17. The relevant test to be applied in an application such as this has been set out in the Supreme Court decision in ***Daejan Investments Ltd v Benson & Ors*** [2013] UKSC 14 where it was held that the purpose of the consultation requirements imposed by section 20 of the Act was to ensure that tenants were protected from paying for inappropriate works or paying more than was appropriate. In other words, a tenant should suffer no prejudice in this way.
18. The issue before the Tribunal was whether dispensation should be granted in relation to the requirement to carry out statutory consultation with the leaseholders regarding the asbestos removal works. The Tribunal is not concerned about the actual cost that has been incurred.
19. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements in relation to the asbestos removal works. There is no suggestion that any prejudice has arisen.
20. The Directions make provision for the service of the Tribunal’s decision. The tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal’s decision on the respondents.
21. It should be noted that in granting this part of the application, the Tribunal makes no finding that the scope and estimated cost of the repairs are reasonable.

Name: Mr A Parkinson MRICS **Date:** 23 June 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).

Appendix of relevant legislation

Landlord and Tenant Act 1985 (as amended)

Section 20

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—
 - (a) complied with in relation to the works or agreement, or
 - (b) dispensed with in relation to the works or agreement by (or on appeal from) the appropriate tribunal .
- (2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount, which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.
- (3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.
- (4) The Secretary of State may by regulations provide that this section applies to a qualifying long term agreement—
 - (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
 - (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
 - (a) an amount prescribed by, or determined in accordance with, the regulations, and
 - (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with, the regulations.
- (6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.
- (7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in

accordance with, the regulations is limited to the amount so prescribed or determined.

Section 20ZA

- (1) 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.