



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

Case reference	:	LON/00AU/LDC/2025/0690
Property	:	Fitzwarren House, Hornsey Lane, London N6 5LZ
Applicant	:	Housing 21
Representative	:	Ms Sara Dodson, Head of Retirement Living at Housing 21
Respondents	:	The residential leaseholders of the Property
Type of application	:	Dispensation from compliance with statutory consultation requirements
Tribunal members	:	Judge P Korn Mr M Bailey MRICS
Date of decision	:	24 July 2025

DECISION

Description of hearing

This was a face-to-face hearing.

Decision of the tribunal

The tribunal dispenses unconditionally with those of the consultation requirements not already complied with in respect of the qualifying works which are the subject of this application.

The application

1. The Applicant seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“**the 1985 Act**”) from full compliance with the consultation requirements imposed on the landlord by section 20 of the 1985 Act in relation to certain qualifying works.
2. The qualifying works which are the subject of this application comprise the installation of a passenger lift.

Applicant’s case

3. The Applicant states that a new passenger lift was purchased in 2018 and was due to be installed in 2019. A full section 20 consultation process was carried out. However, various problems arose which resulted in the Applicant not being able to instal the lift until 2025. In particular, the Property is connected to a BUPA care home and BUPA has a contractual right to use the lift in various circumstances. BUPA wanted to upgrade their lift and asked that the installation of a new lift at the Property be paused until theirs had been completed.
4. In 2021 it appeared that BUPA was finally happy for the Applicant to go ahead with the lift installation but then in 2022 just before the work was due to commence BUPA changed its mind and threatened legal action if the Applicant were to go ahead. BUPA’s lift was completed at the end of 2023 and the Applicant contacted its own contractor with a view to starting work on its own lift, but that contractor became insolvent. The Applicant therefore sought out other contractors to provide quotes, but it discovered that it was very difficult to find a contractor to instal a lift which by then was over 6 years old and out of warranty.
5. The Applicant issued a fresh notice of intention on 9 December 2024 and a notice of estimates on 20 February 2025, but because of the problem with sourcing contractors it was only able to obtain one quotation – from Apex Lifts. The Applicant therefore seeks dispensation from the obligation to issue a notice of estimates containing more than one estimate.
6. Relevant copy documentation in support of the Applicant’s case has been included in its bundle of documents.

Responses from the Respondents

7. None of the Respondents has written to the tribunal raising any objections to the dispensation application, and the Applicant states that no objections have been received by it from any of the Respondents.

The hearing

8. The tribunal members discussed the application with Ms Dodson at the hearing. None of the Respondents attended the hearing.

The relevant legal provisions

9. Under Section 20(1) of the 1985 Act, in relation to any qualifying works *“the relevant contributions of tenants are limited ... unless the consultation requirements have been either (a) complied with ... or (b) dispensed with ... by ... the appropriate tribunal”*.
10. Under Section 20ZA(1) of the 1985 Act *“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..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements”*.

Tribunal’s analysis

11. The Applicant has explained the circumstances surrounding the failure to issue a compliant notice of estimates. Whilst this is an unusual case, the explanation provided is logical and reasonable, and in the circumstances in which the Applicant found itself it is hard to see what else the Applicant could have done.
12. As is clear from the decision of the Supreme Court in *Daejan Investments Limited v Benson and others (2013) UKSC 14*, the key issue when considering an application for dispensation is whether the leaseholders have suffered any prejudice as a result of the failure to comply with the consultation requirements.
13. In this case, none of the Respondents has expressed any objections in relation to the failure to go through the full statutory consultation process, and there is no evidence before us that the leaseholders were in practice prejudiced by the failure to obtain more than one estimate. Furthermore, the Applicant has kept leaseholders informed in what we consider to be a reasonable and proportionate manner in the circumstances and, as noted above, it is hard to see what else the Applicant could have done given that it was unable to source more than one estimate for the reasons explained.
14. The tribunal has a wide discretion as to whether it is reasonable to dispense with the consultation requirements, and in the light of the above circumstances we consider that it is reasonable to dispense with those of the consultation requirements not yet complied with.

15. As is also clear from the decision of the Supreme Court in *Daejan v Benson*, even when minded to grant dispensation it is open to a tribunal to do so subject to conditions, for example where it would be appropriate to impose a condition in order to compensate for any specific prejudice suffered by leaseholders. However, as noted above, there is no evidence nor any suggestion that the leaseholders have suffered prejudice in this case.
16. Accordingly, we grant unconditional dispensation from compliance with the consultation requirements.
17. It should be noted that this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness of the cost of the works.

Costs

18. There have been no cost applications.

Name: Judge P Korn

Date: 24 July 2025

RIGHTS OF APPEAL

- A. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) a written application for permission must be made to the First-tier Tribunal at the regional office dealing with the case.
- B. 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.
- C. If the application is not made within the 28 day time limit, such application must include a request for extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- D. 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.