



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

Case Reference	:	LON/ooBK/LDC/2025/0716
Property	:	Flats A-L 1-3 Spring Gardens & 66 Trafalgar Square, London SQ1A 2BB
Applicant	:	Brook Street Investments Ltd C/O Levy Asset Management Limited
Representative	:	none
Respondents	:	The 12 leaseholders as per the application
Representative	:	None
Type of Application	:	For dispensation from the consultation requirements under Section 20ZA Landlord & Tenant Act 1985
Tribunal	:	Mr R Waterhouse BSc (Hons) LLM Property Law MA FRICS
Date of Decision	:	22 July 2025

DECISION

This has been a remote paper determination, which has been consented to by the parties. A face-to-face hearing was not held because it was not practicable, and no one requested same.

The documents the Tribunal were referred to were in a bundle of some 119 pages.

Decision

- (1) The Tribunal determines that unconditional dispensation should be granted from the consultation requirements from Section 20ZA of the Landlord and Tenant Act 1985 (the Act) in respect of the property Flats A-L, 13 Spring Gardens & 66 Trafalgar Square, London SW1A 2BB.**
- (2) We make no determination as to the reasonableness of the costs of same, these being matters which can be considered, if necessary, under the provisions of s27A and s19 of the Act.**

The Application

1. This Application received 22 January 2025, is made by Levy Asset Management Ltd, on behalf of, the freeholder, Brook Street Investments Ltd.
2. The Application seeks dispensation from the consultation requirements under Section 20ZA of the Landlord and Tenant Act 1985.
3. The Application is concerned solely with the question of what consultation if any should be given of the consultation requirements of Section 20 of the 1985 for works addressing deteriorating masonry external facade, costing in excess of £250 per flat. It is not concerned with the reasonableness or payability of any service charges which may arise.

The Determination

4. A written Application was made by Levy Asset Management Ltd. The Tribunal considered the written bundle of 119 pages, in support of the Application.

Background

The property

5. The Property is undescribed within the bundle.
6. The Application is made for “qualifying works”. The Form notes under “Grounds for Seeking Dispensation”; specifically, “due to reports from the

pub and findings from the external survey, we were required to carry out emergency works to the facade of the building after being notified of loose masonry. Given the building's location and the high footfall in the area it was necessary to implement the works immediately for health and safety reasons. A section 20 consultation process would have taken too long to ensure the timely protection of the public. The works were carried out in two stages. The first phase focused on the rear and side elevations, where masonry had already fallen. These works took place between 27th and 30 December 2024. The second phase addressed the front of building and was completed on 1st March 2025. "

7. The application noted "a Notice of Intention was sent out to residents explaining the nature of the works. A copy of this notice has been enclosed for reference. All residents were notified in advance of the works taking place and no questions or objections were raised ".
8. The Directions dated **29 May 2025**, provided for a copy of the application form and directions to be served on the leaseholders , and a copy displayed in a prominent place by **13 June 2025**, confirmation that this has been done to be served on the tribunal by **20 June 2025**. This was confirmed done by an e mail from Levy Property Management dated **16 July 2025** and no responses from the leaseholders had been received.
9. The Directions also note that any leaseholder who opposes the Application should by the **27 June 2025** complete the reply form and return it to the Tribunal. The Landlord may by the **04 July 2025** provide a brief reply to any leaseholder who opposes the Application.
10. The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements of Section 20 of the 1985 Act. **This Application does not concern the issue of whether any service charge costs will be reasonable or payable.**

Documents

11. The Tribunal has had recourse to the Bundle of 119 pages which includes the Application form, Directions, quotations and a copy of a specimen lease. Within the bundle is a report by ProAltus Group titled "1-3 Spring Gardens- Inspection Report" including recommendations.

The Tribunal's decision

12. The Tribunal grants dispensation under Section 20 ZA of the Landlord and Tenant Act 1985 and the Service Charges (Consultation) (England) 2003 for the works set out in the Application.
13. We are, aware of the judgment in Daejan Investments Limited v Benson and others [2013] UKSC 14. The Application for dispensation is not challenged.
14. The Supreme Court (Lord Neuberger at para 50) accepted that there must be real prejudice to the tenants. Indeed, the Respondents do not oppose the Application. It is accepted that we have the power to grant dispensation on such terms as we think fit. However, the Landlord is entitled to decide the identity of the contractors who carry out the work, when they are done, by whom and the amount. The safety net for the Respondents is to be found in Sections 19 and 27A of the Landlord and Tenant Act 1985.
15. Accordingly, we find that unconditional dispensation should be granted.
16. Our decision is in respect of the dispensation from the provisions of s20 of the Act only. It is open to the opposing leaseholder or others to apply under the Landlord and Tenant Act 1985 Section 27A, should there be concerns over the payability and reasonableness of the service charge, these may include concerns over necessity, quality of work and its cost.

Richard Waterhouse

**Name: Richard Waterhouse
FRICS** **22 July 2025**

ANNEX – RIGHTS OF APPEAL

- 1. 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 at the Regional Office which has been dealing with the case.**
- 2. 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.**
- 3. If the Application is not made within the 28-day time limit, such Application must include a request to 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.**

4. **The Application for permission to appeal must identify the decision of the Tribunal to which it relates (ie 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**