



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

Case Reference : **LON/00AW/LDC/2025/0677**

Property : **28-42 Onslow Square, London, SW7
3NS**

Applicant : **The Wellcome Trust Limited**

Representative : **Cluttons LLP- Lale Duman**

Respondents : **All leaseholders of 28-42 Onslow Square
London SW7 3NS**

Representative : **None**

Type of Application : **For dispensation from the consultation
requirements under Section 20ZA
Landlord & Tenant Act 1985**

Tribunal : **Mr R Waterhouse FRICS**

Date of Decision : **20 August 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 67 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 28-42 Onslow Square London SW7 3NS.**
- (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 dated 10 March 2025, is made by Cluttons LLP on behalf of The Wellcome Trust Limited.
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 Cluttons LPP . The Tribunal considered the written bundle of 67 pages, in support of the Application.

Background

The property

5. The Property is described in the application as “a masonry/brick building built in the early 1900s and converted into 20 flats.”
6. The Application is made for “qualifying works”. The Applicant noted in their letter accompanying the Reply Form noted specifically, that “following an investigation it was determined that the roof the outlet above the dining room has not been correctly terminated, allowing rainwater to penetrate around the outlet and into the property. Additionally, the lead flashing above the kitchen and bathroom areas has become detached from the

asphalt upstand with sections of silicone sealant missing. These issues have contributed to water ingress, with pooling observed along the gully, further compounding the problem.”

7. “The identified defects are contributing to internal damage and pose potential health and safety risks, particularly as continued water penetration could affect the building fabric and electrical systems within the flat.”
8. To carry out the necessary remedial works, the erection of scaffolding is required to ensure safe access to the affected areas and enable proper reinstatement of the outlet, flashing, and drainage.”
9. The Directions dated **4 June 2025**, provided for the Applicant to be responsible for serving a copy of the application and directions by **18 June 2025**. This was confirmed completed by letter from Cluttons dated **10 June 2025**.
10. Those who objected should make their objections known to the applicant and the tribunal by completing a Reply Form by **2 July 2025**. No representations were received.
11. The Landlord may by the **9 July 2025** provide a brief reply to any leaseholder who opposes the Application.
12. 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

13. The Tribunal has had recourse to the Bundle of 67 pages which includes the Application form, Directions, a copy of proposed works drawings, and a quotation and copy of a typical lease for the leaseholds in the building. The Applicant submitted to the tribunal by letter dated 16 July 2025 that they had received no responses from any of the leaseholders.

The Tribunal’s decision

14. The Tribunal notes that no responses were received from any of the leaseholders. 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.

15. We are, aware of the judgment in Daejan Investments Limited v Benson and others [2013] UKSC 14. The Application for dispensation is not challenged.
16. 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.
17. Accordingly, we find that unconditional dispensation should be granted.
18. 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

20 August 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**