



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

Case reference : **LON/00BA/LDC/2025/0646**

Property : **Ash Court, 56 Worple Road,
Wimbledon, London, SW19 4EY**

Applicant : **Ashcourt (Wimbledon) Management
Company Limited**

Representative : **Grace Miller & Co**

Respondent : **Leaseholders of Ash Court, 56 Worple
Road, Wimbledon, London SW19 4EY**

Representative : **N/A**

Type of application : **Dispensation pursuant to Section 20ZA
of the Landlord and Tenant Act 1985**

Tribunal member : **Ms S Beckwith MRICS**

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

Date of decision : **4 September 2025**

DECISION

Decision of the Tribunal

1. The Tribunal determines to exercise its discretion to dispense with the consultation requirements provided by Section 20 of the Landlord and Tenant Act 1985.

The Application

2. Grace Miller and Co applied on behalf of the Applicant on 6 February 2025 under Section 20ZA of the Landlord and Tenant Act 1985 (the Act), for dispensation from the consultation requirements provided for by Section 20 of the Act.
3. The application indicated that the subject of the dispensation application was in relation to excavation and replacement of drainage pipework and its reconnection to the main system at the Property.
4. The application explained that the reason that dispensation was sought was because the non-functional drainage pipework was causing flooding, unpleasant odours and the risk of the system backing up into the flats. This meant investigation, excavation and replacement had to be started as soon as possible.

Procedure

5. The Tribunal issued directions on 6 June 2025. Following the receipt of an Order No 1 form from the Applicant, revised directions were issued on 23 June 2025 with an amended timetable.
6. In those directions the Tribunal set out that the matter would be determined on the basis of the papers provided.
7. The directions gave an opportunity for the Respondents to request a hearing. No hearing was requested so the matter has proceeded based on the papers provided for the Tribunal.
8. The directions also provided an opportunity for the Respondents to provide a statement objecting to the application. No responses were received by the Tribunal.
9. The Tribunal has considered the written bundle of 47 pages, in support of the Application.

Determination

The Background

10. The property is a standalone block of flats with 24 units. The Applicant is the Residents Management Company.
11. The evidence and submissions of the Applicant is as follows:
 - i. The application is for an unconditional dispensation of the consultation requirements prescribed under Section 20 of the Landlord and Tenant Act 1985 in relation to works to investigate a blockage in the drainage system, excavate and replace shattered pipework. The extent of the work required council licences and a traffic management plan. A tanker was also required to manage the problem until the pipework was replaced.
 - ii. A quotation of £31,414.90 (£26,179.08 +VAT) from Unbloc for excavation, new connection and licensing.
 - iii. An estimate of tanker costs of £6,000.
 - iv. Lining and clearing works confirmed to be instructed at £8,791.
 - v. The works are subject to an insurance claim and whilst the insurer has confirmed they will pay some of the costs, it is yet to be determined the full amount to be covered by the insurer.
 - vi. A letter sent to all Leaseholders to advise of the works required and associated costs. The letter outlines why a Section 20 consultation was not considered possible and confirms an application for dispensation will be made to the Tribunal. A meeting was offered to address any concerns.
12. In accordance with Tribunal directions, the Applicant notified leaseholders of the S20ZA application, including how to respond. No responses from leaseholders were received by the Tribunal or Applicant.

The Law

13. The Tribunal is being asked to exercise its discretion under Section 20ZA of the Act. The wording of Section 20ZA, subsection (1) provides:

‘Where an application is made to a leasehold valuation tribunal for determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreements, the

tribunal may make the determination **if satisfied that it is reasonable to dispense with the requirements**'.

14. The Supreme Court in the case of *Daejan Investments Ltd v Benson* [2013] UKSC 14 (Daejan) is the leading authority on how the statutory provisions are to be interpreted.

The Tribunal's Decision

15. The Tribunal determines to grant the application.

Reasons for the Tribunal's Decision

16. The statement from the Applicant explains the reasons the works needed to be actioned quickly without the time afforded by a full Section 20 consultation.
17. No objections were received from leaseholders.
18. The Tribunal therefore determines that it is reasonable to grant the application sought.
19. **Both parties should note that this determination does not concern the issue of whether the service charge costs demanded in connection with the works to the drainage system are reasonable or indeed payable. The Respondents are able, if it appears to them to be appropriate, to make an application under Section 27A of the Landlord and Tenant Act 1985 as to reasonableness and payability.**

Name: S Beckwith MRICS

Date: 4 September 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).