



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

Case reference : **LON/00AG/LDC/2025/0753**

Property : **Heath Cut Lodge, North End Way,
London NW3 8VA**

Applicant : **Heath Cut Lodge Freehold Limited**

Representative : **Wayne & Silver Management Agent**

Respondent : **Leaseholders as per the application**

Representative : **N/A**

Type of application : **Dispensation from consultation –
s.20ZA Landlord and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

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

Date of decision : **16 September 2025**

DECISION

Decision of the tribunal

- (1) The tribunal grants the dispensation from consultation sought by the applicant in respect of urgent modernisation of the lift and associated works to remedy the ingress of water to the lift pit.
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The application

1. This is an application pursuant to s.20ZA of the Landlord and Tenant Act 1985 in which the applicant seeks dispensation from consultation in respect of urgent lift works.

The background

2. The property which is the subject of this application is a purpose built block of 9 flats on 5 floors with lift.
3. The works for which dispensation is sought relate to the modernisation of the lift which have become urgent due to the breakdown of the existing lift. In addition, remedial tanking works to the pit shaft are required due to ongoing water ingress within the pit at the base of the lift shaft. The water ingress is said to have contributed to the deterioration and subsequent breakdown of the lift.
4. The applicant held a meeting with leaseholders on 17 June 2025 at which the lift works and this application were discussed. Several quotes were obtained for the works although a full s.20 consultation was not carried out.
5. The works are said to be urgent due to there being a number of elderly and other vulnerable occupiers including a number of wheelchair users.

The tribunal's decision

6. The tribunal grants the applicant the dispensation from consultation sought in respect of the lift and associated works.

Reasons for the tribunal's decision

7. As neither party requested an oral hearing this application was determined on the documents provided by the applicant. This comprised of 2 unpaginated bundles of documents, one comprising 54 digital pages and the other 118 digital pages. These included a witness statement from the applicant's managing agent.

8. The tribunal is satisfied that all leaseholders were notified of this application and provided with an opportunity to raise an objection to it if they wished to do so. Neither the respondent nor the tribunal received any objections. Further, the applicant informed the tribunal that *'All nine leaseholders have confirmed that they are content to dispense with the statutory consultation requirements in respect of the proposed lift modernisation works.'* (email sent 02 September 2025 to the tribunal).
9. Although this application does not deal with the reasonableness of the cost of the works, the tribunal noted the various quotes obtained by the applicant in respect of lift-pit sealing and waterproof tanking insulation and modernisation works, in an effort to achieve the best price for the required works.
10. The tribunal accepts the urgent nature of the works in respect of addressing the water ingress and the subsequent replacement of the lift at the same time. In the absence of any objection by any leaseholders or demonstration of any substantive prejudice caused by the lack of consultation, the tribunal considers it reasonable to grant the dispensation from consultation sought; *Daejan Investments Ltd v Benson & others* [2013] UKSC 14 & [2013] UKSC 54.

Name: Judge Tagliavini

Date: 16 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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).