



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

Case reference	:	LON/00AH/LDC/2025/0771
Property	:	Flats 1-15, Wesson House, 49 Ashburton Road, Croydon, Surrey, CR0 6AQ
Applicant	:	Wesson House Residents Association Limited
Representative	:	Hinwoods (Lewis Mitcham)
Respondents	:	The Leaseholders of Flats 1-15 Wesson House
Type of application	:	Dispensation with Consultation Requirements under section 20ZA Landlord and Tenant Act 1985
Tribunal member	:	Judge Robert Latham
Venue	:	10 Alfred Place, London WC1E 7LR
Date of decision	:	19 September 2025

DECISION

The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of urgent roof works to prevent internal water penetration and damage to electrics.

The Application

1. By an application, dated 23 June 2025, the Applicant Management Company applies for retrospective dispensation from the statutory duty to consult in respect of urgent roof works.
2. The building is a 1970s building of purpose built flats comprising 15 flats. The Applicant has provided a list of the relevant leaseholders. The application was said to be urgent because there is continuing water penetration from the roof causing internal damage and there is concern that damage to the electrical installation may result. On 18 June 2025, the Applicant served a Notice of Intention in respect of the proposed works.
3. On 5 August 2025, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing. No party has done so.
4. By 13 August 2025, the Applicant was directed to send to the leaseholders by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents' names and addresses) unless already sent by the applicant to the leaseholder/sublessee; (ii) if not already provided in the application, a brief statement to explain the reasons for the application; and (iii) the directions. The Applicant was further directed to display a copy of these in a prominent place in the common parts of the property. The Applicant has confirmed that it had complied with this Direction.
5. By 17 August 2025, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application. No leaseholder has returned a completed Reply Form opposing the application.
6. The Applicant has provided a Bundle of Documents (23 pages) in support of the application. The Applicant has confirmed that no lessee has objected to the proposed works. Demands for payment have been issued. All lessees have paid. The works have now been completed.
7. Section 20ZA (1) of the Act provides:

“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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

8. **The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
9. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the full statutory consultation requirements. This is justified by the urgent need for the works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.
10. The Directions make provision for the service of the Tribunal's decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal's decision on the Respondents.

Judge Robert Latham
19 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 **by e-mail** 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).