



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

Case Reference : **LON/OOBK/LDC/2025/0781**

Property : **24-27 Eaton Square, London, SW1W 9DF**

Applicant : **Eaton Square Properties Limited**

Representative : **Trowers & Hamlins LLP, Solicitors**

Respondent : **Various Leaseholders of 24-27 Eaton Square**

Representative : **N/A**

Type of Application : **To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985**

Tribunal : **Tribunal Judge Mohabir**

Date of Decision : **15 September 2025**

DECISION

1. The Applicant seeks an order pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the Act”) for *retrospective* dispensation from the consultation requirements in respect of repairs to the roof, cyclical decorative works to the external facades including windows, doors, down pipes, balustrades, and brickwork (“the works”) at the property known as 24-27 Eaton Square, London, SW1W 9DF (“the property”). The works were carried out under a qualifying long-term agreement (“QLTA”).
2. The property is described as being a building containing 13 residential units all held on long leases under which the leaseholders are required to pay a service charge contribution for the works.
3. In or around May 2023, Grosvenor appointed the Supplier to carry out certain works to the Property under the Works Contract with a works commencement date of 22 May 2023. In order to reduce costs to leaseholders, Grosvenor combined the works at the Property with similar works being done at the neighbouring property at 28/31 Eaton Square.
4. Prior to the contractor’s appointment to carry out the works, a Notice of Intention to carry out works under a long-term agreement was served on the residents of the neighbouring property at 28/31 Eaton Square. However, due to an administrative oversight in the Applicant’s procedures, the Notice of Intention was not served upon the Respondents, or any of residents in the property.
5. By an application dated 23 June 2025, the Applicant applied seeking retrospective dispensation for the works. On 5 August 2025, the Tribunal issued Directions requiring the Applicant to serve the Respondents with a copy of the application by 14 August 2025, which was done on 12 August 2025. The Respondents were directed to respond to the application stating whether they objected to it in any way.
6. None of the Respondents have objected to the application.

Relevant Law

7. This is set out in the Appendix annexed hereto.

Decision

8. As directed, the Tribunal’s determination “on the papers” took place on 15 September 2025 and was based solely on the documentary evidence filed by the Applicant. As stated earlier, no objections had been received from any of the Respondents, nor had they filed any evidence.
9. It is the Applicant’s case that the Respondents have not suffered any prejudice by its failure to carry out statutory consultation for the following reasons.
10. It was submitted that the works were carried out under the framework of the QLTA and, accordingly, the Respondents have previously

benefitted from prior consultation relating to the appointment of the contractor under the QLTA for the scope of works that include those of the nature of the works. The agreed contract rates under the QLTA applied to the works.

11. It was further submitted that the Respondents have further benefitted from the costs savings of combining these works with those similar works being done at the neighbouring property at 28/31 Eaton Square.
12. Furthermore, although formal section 20 consultation did not take place, the Respondents were nevertheless made aware of the planned works and informally consulted on them in advance of the work commencing. The communication on the works included costing, with a provisional sum of £378,500 for external decorations aspects of the works included in the service charge budget for the year ended 31 March 2024. This was sent to the Respondents by email on 23 December 2022.
13. The Applicant offered the Respondents a meeting to discuss the budget. However, none of the Respondents responded to request a meeting, nor did any of them make any observations on the proposed works. The final account cost for the works was £350,345.77, being less than the provisional costs included in the communications which were sent to the Respondents prior to the works commencing.
14. In addition, after the contractor was appointed, it sent out a regular newsletter to all residents in the property, including the Respondents, concerning the works. The first of these was sent on 17 May 2023, prior to the commencement of works. None of the Respondents raised any queries or made any observations, either regarding the appointment of the contractor or the scope of the works. The Respondents were then kept apprised of all developments throughout the project and no observations were received by the Applicant.
15. The relevant test to be applied in an application such as this has been set out in the Supreme Court decision in ***Daejan Investments Ltd v Benson & Ors*** [2013] UKSC 14 where it was held that the purpose of the consultation requirements imposed by section 20 of the Act was to ensure that tenants were protected from paying for inappropriate works or paying more than was appropriate. In other words, a tenant should suffer no prejudice in this way.
16. The issue before the Tribunal was whether dispensation should be granted in relation to the requirement to carry out statutory consultation with the leaseholders regarding the lift repair works. The Tribunal is not concerned about the actual cost that has been incurred.
17. The Tribunal granted the application for the following main reasons:

- (a) The Tribunal was satisfied that the Applicant's admitted failure to carry out statutory consultation with the Respondents was inadvertent.
 - (b) The Tribunal was satisfied that, at all material times, the Respondents had been kept informed by the Applicant of the need and scope of the proposed works. The Applicant's unchallenged evidence is that an offer was made by the Applicant to meet with any of the Respondents prior to the works commencing to discuss the estimated budget. None of the Respondents accepted the offer. Moreover, during the course of the works, the contractor sent regular newsletters keeping the Respondents apprised of the progress of the works. Again, no objection was received from any of the Respondents. The Tribunal attached significant weight to this.
 - (c) The Tribunal was satisfied that the Respondents had been served with the application and the evidence in support and there has been no objection from any of them. Again, the Tribunal attached significant weight to this.
 - (d) Importantly, the real prejudice to the Respondents would be in the cost of the work and they have the statutory protection of section 19 of the Act, which preserves their right to challenge the actual costs incurred by making a separate service charge application under section 27A of the Act. Therefore, the Tribunal does not make any finding that the Respondents have further benefitted from the costs savings of combining these works with those similar works being done at the neighbouring property at 28/31 Eaton Square or that any such costs are reasonable.
18. The Tribunal, therefore, concluded that the Respondents were not being prejudiced by the Applicant's failure to consult, and the application was granted as sought.

Name: Tribunal Judge Mohabir **Date:** 15 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).

Appendix of relevant legislation

Landlord and Tenant Act 1985 (as amended)

Section 20

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—
 - (a) complied with in relation to the works or agreement, or
 - (b) dispensed with in relation to the works or agreement by (or on appeal from) the appropriate tribunal .
- (2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount, which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.
- (3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.
- (4) The Secretary of State may by regulations provide that this section applies to a qualifying long term agreement—
 - (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
 - (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
 - (a) an amount prescribed by, or determined in accordance with, the regulations, and
 - (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with, the regulations.
- (6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.
- (7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in

accordance with, the regulations is limited to the amount so prescribed or determined.

Section 20ZA

- (1) Where an application is made to a leasehold valuation 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.