



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

Case reference : LON/00BJ/LDC/2025/0796

HMCTS code : P: PAPERREMOTE

Property : 186 Trinity Road, London, SW17 7HR

Applicant : Emmaland Properties Limited

Representative : In Block Management Limited

Respondent : Ms S Wu
Mr N Jones
Mr Wallace and Ms Dziewulski
Ms C Chase

Type of application : Application to dispense with statutory
consultation requirements under
section 20ZA of the Landlord and
Tenant Act 1985

Tribunal members : Judge Tueje
Mr Stead BSc (Hons) MSc (H-W)

Venue : 10 Alfred Place, London, WC1E 7LR

Date of decision : 7th October 2025

DECISION

Description of hearing

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by any Respondent. The form of the remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because no-one requested a hearing and all issues could be determined on paper.

Decision of the Tribunal

In this determination, statutory references relate to the Landlord and Tenant Act 1985 unless otherwise stated.

- (1) The Tribunal grants unconditional dispensation pursuant to section 20ZA in respect of roof repairs and exterior works to abate the rainwater ingress affecting the top floor flat at 186 Trinity Road, London, SW17 7HR (the “Property”).
- (2) The abovementioned works cost £3,390.00.
- (3) This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A in respect of liability to pay, for a reason other than non-consultation in respect of the subject works, and the reasonableness and/or cost of the subject works.

The Application

1. This Application under section 20ZA, is dated 9th August 2024, and seeks dispensation from the statutory consultation requirements in respect of works required at the Property.

Background

2. The Applicant is the landlord of the Property, which is a three storey building comprising four self-contained residential flats. The Respondents are the leasehold owners of the flats within the Property.
3. The Property is managed by In Block Management Limited, who are the Applicant’s representative in these proceedings.
4. The Application relates to urgent repairs required to the roof and exterior of the building following a leak into the top floor flat. On an unknown date the Applicant wrote to the leaseholders notifying them that urgent roof repairs were required following leaks into the top floor flat. The letter also warned that scaffolding would be erected within days. Finally, the Applicant explained that the cost of works would exceed the section 20 limit so an application for dispensation would be made to the First-tier Tribunal.
5. There is another undated letter from the Applicant to the leaseholders confirming that works have been carried out, and the expected costs of the works is £3,390.00.
6. The Tribunal was provided with a 47-page bundle including the following documents:
 - 6.1 A sample lease;

- 6.2 Two undated letter sent to the Respondents advising them of the need for the repairs (these are the letters referred to at paragraphs 4 and 5 above);
 - 6.3 The application form requesting the section 20ZA dispensation;
 - 6.4 The Tribunal's directions order dated 6th August 2025;
 - 6.5 An e-mail dated 10th September 2025 from Luke Hackshaw, Property Manager at In Block Management Limited, confirming no objections to the application had been received from Respondents.
7. The Tribunal received the application form requesting dispensation on 15th July 2025. The application form set out the repairs required as follows:
- Urgent repairs were required to the roof and exterior of the property following a leak into the top floor flat. Having attended site the roofer advised there were multiple leaks, where scaffolding would be required for remedial works to be completed. Unfortunately the contractor advised no reliable temporary repairs would be possible, therefore the permanent remedial repairs were instructed and subsequently completed on 6th March 2025.
8. The grounds for the Application, as stated in the form, were:
- Due to heavy rainfall water ingress was reported inside the topfloor flat. Rosewell Roofing attended site and advised significant repairs would be required to the roof including installing new pointing, applying brick seal to the brickwork, applying a layer of high performance rubber sealant to an area of flat roof as well as several other repairs. Due to there being multiple leaks and numerous repairs required, no temporary repairs were possible therefore these works were instructed to prevent further water ingress into the flat.
9. The Tribunal sent notice to the Respondent leaseholders that the application had been made.
10. The Tribunal issued directions dated 6th August 2025. In accordance with those directions, on 10th September 2025, Mr Hackshaw e-mailed the Tribunal confirming the Applicant had not received any objections to the application to dispense with the statutory consultation.

The Legal Framework

11. So far as is relevant, section 20 states:
- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in*

accordance with subsections (6) or (7) (or both) unless the consultation have been either-

- (a) Complied with in relation to the works or agreement, or*
- (b) Except in the case of works to which section 20D applies, 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 payment of service charges) to relevant costs incurred on carrying out the works under the agreement.

(3) This section applies to qualifying works if relevant costs incurred or on carrying out the works exceed an appropriate amount.

12. Section 20ZA(1) continues:

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

The Determination

13. In making its decision, the Tribunal took into account the information provided by the Applicant in the bundle, as set out above.

14. The Tribunal also took into account the guidance in ***Daejan Investments Limited v Benson and others [2013] UKSC 14*** where the Supreme Court held that:

14.1 The purpose of sections 19 to 20ZA is to ensure leaseholders are not required to pay any more than is necessary for services provided, and that they are not required to pay for unnecessary or unsatisfactory services.

14.2 The Tribunal is to focus on the extent to which leaseholders have been prejudiced by a landlord’s failure to comply with the requirements under section 20.

14.3 Ordinarily, where the failure to comply with section 20 had not affected the extent, quality and costs of the works carried out, dispensation is more likely to be granted.

14.4 The Tribunal’s main focus on such applications is what prejudice, if any, have leaseholders suffered.

14.5 The leaseholders bear a factual burden of identifying some relevant prejudice that they would or might suffer.

14.6 Where leaseholders make a credible case regarding prejudice, the landlord bears the legal burden to rebut this.

14.7 If appropriate, the Tribunal may grant conditional dispensation.

The Tribunal's Decision

15. The Tribunal grants dispensation pursuant to section 20ZA in respect of the repairs carried out by Rosewell Roofing costing £3,390.00.

The Tribunal's Reasons

16. The Tribunal has had regard to the nature of the works and finds the works were both urgent and necessary. Although a breakdown of the works carried out has not been provided, the Tribunal was informed that there was rainwater ingress affecting the top floor flat. Therefore, based on the information provided, the Tribunal considers prompt action was required. These are the primary reasons for granting dispensation.

17. Additionally, the Tribunal takes into account that leaseholders were notified about the Application, and by paragraph 2 of the directions order, leaseholders were afforded an opportunity to object to this application, yet they raised no objections. Therefore, the Tribunal proceeds on the basis that the leaseholders have no objections to the application, and that there has been no relevant prejudice to the leaseholders, because it's likely they would have objected to the application if they considered they would be prejudiced by it.

18. We have balanced the requirement to consult leaseholders against the need to carry out these repairs promptly. On balance, we have concluded that the need for these repairs for the health and safety of the occupiers, particularly of the top floor flat, justifies granting dispensation.

19. For the reasons stated at paragraphs 16 to 18 above, the Tribunal is satisfied that it is appropriate to grant dispensation from the consultation requirements bearing in mind the Supreme Court decision in ***Daejan Investments Limited v Benson and others [2013] UKSC 14***.

Name: Judge Tueje

Date: 7th October 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).