



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

Case reference : LON/00AJ/LDC/2025/0795

Property : Various Flats, 2 Sutherland Road,
London, W13 0DT

Applicant : RG Capital Partners Limited

Representative : Parkfords Management – Liam Kemp

Respondents : Flat 1 – Jasvinder Singh Kandola
Flat 2 – Fergus Allan Pateman & Anna
Elisabeth Diehm
Flat 3 – AMHC LIMITED
Flat 4 – Fabio Romani Tavora
Flat 5 – Dinghao Lou
Flat 6 – Oliver Timothy Slack & Louise
Maria Slack
Flat 7 – Jake Touw & Adele Tilebalieva
Flat 8 - Ms Shilun Zhang & Mr Ashley
Stephen Davey
Of 2 Sutherland Road London W13 0DT

Type of application : Dispensation of consultation
requirements under s.20 Landlord and
Tenant Act 1985

Tribunal member : Judge Tonya Richards-Clarke

Venue : Remote Paper hearing

Date of decision : 20 October 2025

DECISION

Decision of the tribunal

The Tribunal grants the application for the dispensation of all or any of the consultation requirements provided for by s.20 of the Landlord and Tenant Act 1985 ("the Act") in relation to remedial works to remedy the water ingress into the affected top floor flat at the property.

The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by s.20 of the Act. The application was dated 09 July 2025.
2. Directions of the Tribunal were issued on 26 August 2025.
3. The case was listed for a paper determination. Neither party requested an oral hearing.

The hearing

4. The matter was determined by way of a paper hearing which took place on 20 October 2025.

The background

5. The property which is the subject of this application is a detached building with eight flats over 5 stories at 2 Sutherland Road.

The application

6. The Applicant has applied for dispensation from the statutory consultation requirements in respect of qualifying works of severe water ingress into the affected top floor flat. This has been caused by a failed area of waterproofing to the box guttering on the front elevation, along with insufficient fall of the gutter towards the outlet. This applicant seeks to mitigate further damage and a risk that further leaks could cause significant damage to the affected flat and other flats at the premises together with a danger to occupants of the affected flat, should water enter the electric circuits. This is why the application is said to be urgent.
7. The insurers are unable to contribute to the remedial works under the Latent Defects Policy. This is because the cost of the remedial works is less than the policy excess and the policy does not cover above-ground drainage (like box) gutters.
8. The applicant has obtained two quotes in the sum of £6250.00 and £5250.00 each plus VAT respectively.

9. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. This application did not concern the issue of whether any service charge costs will be reasonable or payable.
10. No notice was received from any of the Respondents opposing the application.

The decision of the Tribunal

11. s.20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.

12. Dispensation is dealt with by s.20ZA of the Act which provides: -

"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"

13. Taking into account that there have been no objections to this application from the Respondents, the Tribunal could not find prejudice to any of the leaseholders of the property by the granting of dispensation relating to the urgent works to prevent water ingress into the affected top floor flat.
14. As a result, the Tribunal believes that it is reasonable to allow dispensation in relation to the subject matter of the application.
15. Accordingly, the Tribunal grants the Applicant's application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 in relation to urgent remedial works to prevent water ingress into the affected top floor flat in the property. The Tribunal is satisfied that, in the particular circumstances of this case, involving risks to the occupant(s) of the affected top floor flat and/or of further damage to this and other flats at the property, it is reasonable to dispense with the consultation requirements.
16. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act

Name: Tonya Richards-Clarke

Date: 20 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).