



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

Case Reference	:	LON/00AW/LDC/2025/0831
Property	:	47 Nevern Square, Earls Court, London SW5 9PF
Applicant	:	47 Nevern Square Ltd
Representative	:	Ringley Law LLP
Respondent	:	The 5 leaseholders of 47 Nevern Square Earls Court, London SW5 9PF
Representative	:	None
Type of Application	:	An application under section 20ZA of the Landlord and Tenant Act 1985 for dispensation from consultation prior to carrying out works
Tribunal Members	:	Mr I B Holdsworth FRICS
Date of Decision	:	5 November 2025

DECISION

Decisions of the Tribunal

The Tribunal determines that retrospective dispensation should be given from the consultation requirements in respect of the essential works to remedy a collapsed ceiling to flat 1 (the “**Ceiling Works**”) at the property 47 Nevern Square, Earls Court, London SW5 9PF (the “**property**”). as required under s.20ZA of the Landlord and Tenant Act 1985 (“**the Act**”) for the reasons set out below.

This application does not concern the issue of whether any service charge costs will be reasonable or payable. The leaseholders will continue to enjoy the protection of Section 27a of the Act.

The Tribunal directs the Applicant to send a copy of this Decision to the leaseholders and to display a copy in the common parts of the buildings.

The application

1. The Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) to dispense with the statutory consultation requirements associated with carrying out necessary and essential Ceiling Works at the property.
2. An application was received by the First-tier Tribunal dated 14 August 2025 seeking dispensation from the consultation requirements. Directions were issued to the Applicant on 10 September 2025. These Directions required the Applicant to advise the Respondent of the application and provide them with details of the proposed works including costs.
3. The relevant legal provisions are set out in the Appendix to this decision.

Parties’ submissions

4. This matter was determined by written submissions. The Applicant submitted a bundle of relevant materials to the Tribunal.
5. No submissions were received from the Respondents.

The background

6. The property which is the subject of this application comprises five self-contained flats arranged over five storeys.

7. On the Application submitted by Ms Anastacia Theophanous of Ringley Law LLP she explains that the ceiling between the ground and first floor common areas collapsed. The damaged ceiling was made safe and then reinstated at a total cost of **£9,252 including vat**. The works were carried out by Perlini Property Maintenance Ltd and completed on 7 July 2025.
8. The Tribunal is provided with an invoice for the Ceiling Works [Page 25 of the bundle]. This describes the works as “*reinstatement of failed ceiling between ground and level and reinstatement of failed ceiling level 1*”. Emergency repair works are also listed.
9. An e mail from the Applicant dated October 24, 2025, confirms the Tribunal Directions were satisfied by the Applicants managing agent as all leaseholders were informed of this application. No responses were received from the leaseholders.
10. The Applicant contends that the Ceiling Works were needed urgently to reduce the health and safety risks to the leaseholders given the collapse of the ceiling structure.
11. This determination relies upon a bundle of papers which included the application, the Directions, Application, a short witness statement, and copy of a specimen lease.
12. The only issue for the Tribunal to consider is whether it is reasonable to dispense with the statutory consultation requirements in respect of the Ceiling Works. **This application does not concern the issue of whether any service charge costs are reasonable or payable.**

The determination

13. The Tribunal has considered the papers lodged.
14. The leaseholders were not given a Notice of Intention prior to commissioning the work. They are advised of this Application.
15. No competitive quotes were obtained for the urgent remedial work.
16. There was a demonstrated need to carry out the works urgently to obviate the risk to leaseholders given the ceiling collapsed into the common areas. The Applicants claim the urgency of the repair also precluded the giving of a Notice of Intention.
17. The Tribunal has not identified any prejudice to the leaseholder caused by the failure to comply with the statutory consultation procedure on this occasion.

18. It is for these reasons the Tribunal is satisfied it is appropriate to dispense with the consultation requirements for the Ceiling Works.
19. **It is the Applicant's responsibility to serve a copy of the Tribunal's decision on all Respondent leaseholders listed on the Application.**
20. **This decision does not affect the right of the Respondents to challenge the costs, payability or the standard of work should they so wish.**

Valuer Chairman: Ian B Holdsworth **Date:** 5 November 2025

Appendix of relevant legislation

Section 20 of the Act

- (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) a leasehold valuation 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 tenant’s 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.

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).