



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

Case reference : **LON/00AY/LDC/2025/0834**

Property : **462-470 Brixton Road & 2-12 Tunstall Road, Brixton SW9 8EA**

Applicant : **EL Retail No2 Ltd**

Representative : **Shepherd Property Consultants (Andrey Lashchikov)**

Respondents : **Leaseholders listed in the application**

Representative : **N/A**

Type of application : **Dispensation for consultation – s.20ZA of the Landlord and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **4 November 2025**

DECISION

Decisions of the tribunal

- (1) The tribunal grants the applicant the dispensation from consultation sought in respect of the roof works carried out in 2025 in the approximate sum of £15,302.07 inc. VAT.

The application

1. The applicant seeks dispensation from consultation pursuant to s.20ZA of the Landlord and Tenant Act 1985

The background

2. The property which is the subject of this application is a mixed use, 4-storey building with commercial premises on the ground floor and residential flats above with 4 live/work studios on the top floor.
3. The roof was discovered to be continuing to leak despite previous patch repairs. The applicant took the decision to carry more extensive works to rectify the problem with water ingress. No notice was given to the respondent leaseholders of the intended works which have been carried out and completed.
4. The respondents were subsequently notified of this application for dispensation from consultation.

The hearing

5. Neither party requested an oral hearing and therefore the tribunal determined the application using the 112 digital bundle provided by the applicant.
6. The respondents initially indicated to the applicant they might object to the application. The respondents stated they (might) object to;
 - (i) the scope of the works;
 - (ii) the necessity or timing of the works;
 - (iii) the cost of the works (which is not relevant to this application).
7. However, this preliminary letter/email to the applicant was not followed up with any formal objection being sent to the tribunal.

The decision

8. The tribunal is satisfied that urgent works to remedy the water ingress into the roof were required. The tribunal is also satisfied the respondents have not objected to the application and/or have failed to show they have been caused any substantial prejudice by the absence of any consultation prior to the works being carried out; *Daejan Investments Ltd v Benson & others* [2011] EWCA Civ 38.

9. Therefore, the tribunal grants the dispensation from consultation sought by the applicant.

Name: **Judge Tagliavini** **Date: 4 November 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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).