



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

**Case reference** : **LON/00AY/LDC/2025/0851**

**Property** : **31-38 Cavendish Gardens, Trouville  
Road, London SW4 8QW**

**Applicant** : **Phasemake Limited**

**Representative** : **GH Property Management**

**Respondents** : **Leaseholders of 31-38 Cavendish  
Gardens**

**Representative** : **N/A**

**Type of application** : **Dispensation pursuant to Section 20ZA  
of the Landlord and Tenant Act 1985**

**Tribunal members** : **Ms S Beckwith MRICS  
Mr K Ridgeway MRICS**

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

**Date of decision** : **11 November 2025**

---

**DECISION**

---

### **Decision of the Tribunal**

1. The Tribunal determines to exercise its discretion to dispense with the consultation requirements provided by Section 20 of the Landlord and Tenant Act 1985.

### **The Application**

2. GH Property Management applied on behalf of the Applicant on 28 August 2025 under Section 20ZA of the Landlord and Tenant Act 1985 (the Act), for dispensation from the consultation requirements provided for by Section 20 of the Act.
3. The application indicated that the subject of the dispensation application was in relation to installing structural scaffolding props.
4. The application explained that the reason that dispensation was sought was because the building is structurally unsafe and props were required to immediately address safety concerns.

### **Procedure**

5. The Tribunal issued directions on 17 September 2025.
6. In those directions the Tribunal set out that the matter would be determined on the basis of the papers provided in the seven days commencing 3 November 2025.
7. The directions gave an opportunity for the Respondents to request a hearing. No hearing was requested so the matter has proceeded based on the papers provided for the Tribunal.
8. The directions also provided an opportunity for the Respondents to provide a statement objecting to the application. No responses were received by the Tribunal.
9. The Tribunal has considered the written bundle of 102 pages, in support of the application.

## **Determination**

### **The Background**

10. The Property is a mid-terrace block of eight flats over four floors. The Applicant is the landlord.
11. The evidence and submissions of the Applicant is as follows:
  - i. The application is for an unconditional dispensation of the consultation requirements prescribed under Section 20 of the Landlord and Tenant Act 1985 in relation to works to install scaffolding props.
  - ii. A report from Herbert Stump Limited, a firm of civil and structural engineers, setting out findings from their structural inspection of the Property on 30 June 2025. This confirms the need for the installation of scaffolding props on health and safety grounds, following which further investigation and remedial works are required.
  - iii. Confirmation that quotations from two companies in the amounts of £9,900 +VAT and £15,738.90 +VAT in respect of the required works were obtained and the most competitive price chosen.
12. In accordance with Tribunal directions, the Applicant notified leaseholders of the Section 20ZA application, including how to respond. No responses from leaseholders were received by the Tribunal. The Applicant has also confirmed that it received no objections.

### **The Law**

13. The Tribunal is being asked to exercise its discretion under Section 20ZA of the Act. The wording of Section 20ZA, subsection (1) provides:

‘Where an application is made to a leasehold valuation tribunal for determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreements, the tribunal may make the determination **if satisfied that it is reasonable to dispense with the requirements**’.
14. The Supreme Court in the case of *Daejan Investments Ltd v Benson* [2013] UKSC 14 (Daejan) is the leading authority on how the statutory provisions are to be interpreted.

### **The Tribunal's Decision**

15. The Tribunal determines to grant the application.

### **Reasons for the Tribunal's Decision**

16. The statement from the Applicant explains the reasons the works needed to be actioned quickly without the time afforded by a full Section 20 consultation.
17. No objections were received from leaseholders.
18. The Tribunal therefore determines that it is reasonable to grant the application sought.
19. **Both parties should note that this determination does not concern the issue of whether the service charge costs demanded in connection with the works are reasonable or indeed payable. The Respondents are able, if it appears to them to be appropriate, to make an application under Section 27A of the Landlord and Tenant Act 1985 as to reasonableness and payability.**

**Name:** S Beckwith MRICS

**Date:** 11 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 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).