



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

Case Reference	:	LON/00BF/LDC/2025/0808
Property	:	Saxon House, 170 London Road, Wallington SM6 7AN
Applicant	:	Saxon House Management Company Limited
Representative	:	Warwick Estates
Respondent	:	All leaseholders of Saxon House
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 Member	:	Ian B Holdsworth FRICS
Date of Decision	:	28 October 2025

DECISION

Decisions of the Tribunal

The Tribunal determines that dispensation should be given from the consultation requirements in respect of the works to repair the Parapet Guttering (the “**Roof and Guttering Works**”) responsible for the water ingress at Saxon House, 170 London Road, Wallington SM6 7AN (“**the Property**”) as required under s.20ZA of the Landlord and Tenant Act 1985 (“**the Act**”) for the reasons set out below. The total cost of the works inclusive of vat is estimated at **£42,227.33 inclusive of vat and supervision costs.**

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 Roof and Guttering Works above Saxon House, 170 London Road, Wallington SM6 7AN
2. An application was received by the First-tier Tribunal dated 15 July 2025 seeking dispensation from the consultation requirements. Directions were issued to the Applicant on 17 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 statutory provisions referred in making this decision may be consulted at: www.legislation.gov.uk/ukpga/1985/70/section/20ZA

Parties’ submissions

4. This matter was determined by written submissions. The Applicant submitted a 154-page 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 was built in 2012 and comprises a six-storey purpose-built block containing 68 self-

contained flats with two commercial units at ground floor. The property has a pitched and flat roof covering with a parapet gutter.

7. In the brief statement of case dated 20 October 2025 submitted by the Applicants representative, the Tribunal are told that one flat suffers from water ingress. A report prepared by consultant surveyors Authentisurv dated 18 November 2024 identified the cause of the water penetration as failed parapet guttering. Authentisurv prepared a schedule of remedial works dated 10 February 2025 to address the defects.
8. The managing agent, Warwick Estates instructed Authentisurv to tender the works and two contractors were invited to tender. The two returns for undertaking the works were as follows;
 - Peter Burton & Co Ltd £31,171; and,
 - Dovecon Limited £55,262. These tender prices are both exclusive of vat.

Peter Burton and Co Limited were selected to carry out the works. The total post tender project cost estimate inclusive of vat and supervisory charges is £42,227.33. The results of the tender analysis are shown at page 77 of the bundle. The contractor was instructed by letter dated 8 October 2025.

9. The Tribunal are also informed a Notice of Intention was sent to all affected leaseholders on 15 July 2025. No copy of the Notice of Intention is provided in the bundle. The Applicants representatives confirmed all leaseholders were informed of the 20 ZA application by e mail to the Tribunal dated 25 September 2025.
10. The Applicant contends that Roof and Guttering Works are needed urgently to enable the use of erected scaffolding that currently shrouds the Property. This scaffolding was erected by Taylor Wimpey (Development) Limited to facilitate removal of defective external cladding. Taylor Wimpey have given permission for the use of the scaffolding by the appointed contractor.
11. This determination relies upon a bundle of papers which included the application, the Directions, Application, a brief Statement of Case, a copy of Authentisurv Report and Tender document and copy of a specimen lease.
16. The only issue for the Tribunal to consider is whether it is reasonable to dispense with the statutory consultation requirements in respect of the Roof and Guttering Works. **This application does not concern the issue of whether any service charge costs are reasonable or payable.**

The determination

17. The Tribunal has considered the papers lodged. There is no objection raised by the Respondent leaseholders.
18. There is a demonstrated need to carry out the works urgently to obviate the risk to the tenant of the flat subject to the water ingress. The Tribunal are told the proposed repairs will be facilitated by the presence of existing scaffolding and need to be implemented quickly to ensure the appointed contractor can use the scaffolding. A consultant surveyor has inspected the property and prepared works schedules to remedy the defect. It is these schedules that describe and specify the Roof and Guttering Works.
19. The Tribunal has had regard to the guidance provided in the Supreme Court's decision **Daejan Investments Ltd v Benson and Ors [2013] 1 W.L.R. 854** in making this determination. This clarified the Tribunal's jurisdiction to dispense with the consultation requirements and the principles upon which that jurisdiction should be exercised.
20. No representations were received from leaseholders following notification of this S20ZA application. The Tribunal has not identified any financial or other prejudice to the leaseholders caused by the failure to comply with the statutory consultation procedure on this occasion. There is also a demonstrated need to undertake the works.
21. It is for these reasons the Tribunal is satisfied it is appropriate to dispense with the consultation requirements for the **Roof and Guttering Works with a total cost of £42,227.33 inclusive of vat and supervision costs.**
22. **It is the Applicant's responsibility to serve a copy of the Tribunal's decision on all Respondent leaseholders listed on the Application.**
23. **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:** 28 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).