



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

Case Reference	:	LON/00BK/LDC/2025/0807
Property	:	110 Denhigh Street, London, SW1V 2EX
Applicant	:	110 Denhigh Street Freehold Limited
Representative	:	Thirsk Winton LLP
Respondents	:	1. Fiona Violet Spencer Thomas 2. Angela Moya Larard 3. Conal Robert Gregory & Helen Jennifer Gregory
Representative	:	Gunnercooke LLP
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 defective roof covering, roof flashing and rainwater goods (the “**Roof Works**”) responsible for the water ingress at 110 Denbigh Street, London, SW1V 2EX (“**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 Roof Works above Flat 3 110 Denbigh Street London SW1V 2EX
2. An application was received by the First-tier Tribunal dated 24 July 2025 seeking dispensation from the consultation requirements. Directions were issued to the Applicant on 16 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 an 117-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 comprises a five storey with basement, terraced period property converted into 3 self-contained flats. The property dates from the nineteen and early

twentieth century and is of a traditional brick and stucco construction beneath a mansard roof infilled between the original party walls.

7. In the brief statement of case submitted by the Applicant, the Tribunal are told there has been water ingress into flat 3 for some time. The cause of this water ingress has proved difficult to identify. This failure to confirm the cause of the water ingress has led to some disagreement between the Applicant and leasehold owner of Flat 3 as to the cause and liability.
8. To overcome this difficulty the parties entered a settlement agreement in which they agree to appoint a joint single expert to identify the cause of the water ingress and advise on appropriate remedial works.
9. Hollis Global Limited (“Hollis”) were subsequently instructed to carry out an inspection of the property and advise on necessary remedial works to prevent the water ingress. After approval is secured for their remedial works recommendations, they are retained to prepare detailed works schemes, appoint contractors and supervise necessary and specified works.
10. Hollis reported on 21st July 2025 that the most likely cause of the water penetration is a defective waterproof element to the slates around the dormer window protrusions, adjacent gutter, concealed outlet pipe and damaged render. Hollis have prepared a table of proposed works programme which is presented at page 62 of the bundle. The Tribunal understand this works programme constitutes the necessary repairs and is endorsed by the Applicant. These are referred to as the Roof Works.
11. No cost estimate for the Roof Works is submitted in the application bundle
12. The Applicant contends that Works are needed urgently to reduce the probability of discomfort to the tenant and reduce the likelihood of consequential damage to the Property. They confirmed that consultation with leaseholders was carried out prior to instruction of the Joint Expert.
13. This determination relies upon a bundle of papers which included the application, the Directions, Application, copy of a Settlement Agreement a Joint Expert Report prepared by Hollis dated 21 July 2025, a brief Statement of Case, a photograph 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 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 Flat 3 and the other residents of the building. The Tribunal are told the repairs are essential works to prevent water from penetrating Flat 3, causing extensive damage to internal finishes and ceiling plasterwork.
19. The applicant emphasises in their Statement of Case that all parties agree the works are necessary for the benefit of the property and the individual leaseholders. They also reaffirm that the works are specified by a joint expert surveyor.
20. 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.
21. 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 was also a demonstrated need to undertake the works.
22. It is for these reasons the Tribunal is satisfied it is appropriate to dispense with the consultation requirements for the Roof Works.
23. **It is the Applicant's responsibility to serve a copy of the Tribunal's decision on all Respondent leaseholders listed on the Application.**
24. **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).