



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

Case reference : **LON/00BK/LDC/2025/0836**

Property : **Harley House 28-32 Marylebone Road
London NW1 4PR**

Applicant : **Harley Huse Freehold Limited**

Representative : **D & G Block Management Limited**

Respondent : **Leaseholders of Harley House**

Representative : **-**

Type of application : **S20ZA Dispensation from consultation
requirements**

**Tribunal
member(s)** : **Mrs E Flint FRICS**

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

Date of decision : **28 October 2025**

DECISION

1. Dispensation is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works to the lift in block 6 of Harley House.
2. The question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

Background

3. On 12 August the applicant landlord applied pursuant to section 20ZA of the Landlord and Tenant Act 1985 for dispensation from the statutory consultation requirements in respect of repairs to the lift in Block 6 of Harley House 28-32 Marylebone Road London NW1 4PR. The lift was taken out of service on 10 July due to safety concerns around a worn bearing on one of the three divertor wheels at the top of the lift shaft.
4. Notice of Intention to carry out the works and a Schedule of Estimates was served on 21 July with a shortened consultation period ending on 4 August 2025.
5. The application is in respect of not only the divertor wheel which is now defective but also the third divertor wheel as it is of the same specification and age as the defective wheel. The managing agents consider this is the most economical way of dealing with the lift and moreover limits the disruption to the leaseholders. Dispensation had been granted in respect of one of the three wheels in 2024, the work had taken fourteen weeks to complete.
6. The incumbent lift contractor, Arrow, provided an estimate on 18 July, scaffolders attended on 28-30 July, the divertor wheels were removed on 4 August and Arrow attended to reinstate the wheels on 8 August. However one of the wheels had to be returned to the fabricator for a small adjustment. The work was scheduled to be completed on 13 August and the lift brought back into service on the same day.
7. Three leaseholders had been particularly severely affected by the lift being out of order: one had had to move out to alternative accommodation, two others had become housebound with one missing several hospital appointments due to not being able to use the stairs.
8. The estimated cost of the works is £26,907.60 inclusive of a £2500 contingency sum, fees and VAT. Some of the cost of the works, divided over the 107 flats in the blocks comprising the premises, will exceed the £250 threshold beyond which a statutory consultation under section 20 of the Landlord and Tenant Act 1985 is required unless dispensation under section 20ZA is granted.
9. The Tribunal gave directions on 12 September 2025 and these were complied with. No respondent leaseholder objected to the application and three sent emails supporting the application.

The law

10. By S20ZA of the Act “*Where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.*”

Reasons for the Tribunal’s decision

11. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in *Daejan Investments Ltd v Benson & Ors* [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
12. I determine from the evidence before me that the works were necessary, were required to be completed urgently given the effect on the resident leaseholders and that no prejudice to the lessees has been demonstrated or asserted.
13. On the evidence before it, and in these circumstances, I am satisfied that the application for dispensation should be granted.

Determination

14. Dispensation is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of major works to the lift in block 6 of Harley House.

Signed: Evelyn Flint

28 October 2025