



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

Case reference : **LON/00AY/LDC/2025/0801**

Property : **Commerce House, 258-260
Coldharbour Lane, Brixton, London
SW9 8SG**

Applicant : **Southern Land Securities Ltd**

Representative : **Together Property Management Ltd**
Ms A Brown & Ms M Brown – Flat 1
Ms M Joesph – Flat 2
MS D Yalman & Mr G Thomas – Flat 3
MS M Joesph – Flat 4
Mr L Wale & Mr P Machale – Flat 5
Ms M Joesph – Flat 6
Mr C Cowper & Mr D Allan – Flat 7
Ms M Joesph – Flat 8
Mr Armstrong & Mr R Foxon – Flat 9
Mr M Yusuf – Flat 10

Respondents : **To dispense with the requirement to
consult lessees about major works
under section 20ZA of the Landlord and
Tenant Act 1985**

Type of application : **Deputy Regional Judge Purcell**

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

Date of decision : **20 October 2025**

DECISION AND REASONS

Decision of the Tribunal

The Tribunal grants the application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 (Section 20ZA of the same Act) in relation to the works for the installation of a new communal booster pump and all plumbing and electrical works (including testing of the pump) associated with the installation of the new pump.

The background to the application

1. The Applicant seeks dispensation from the consultation requirements imposed on the landlord by Section 20 of the Landlord and Tenant Act 1985 ('LTA 1985'), pursuant to section 20ZA of the LTA 1985.
2. This is a retrospective application received on 18 July 2025, in connection with works undertaken on 2 July 2025.
3. The Property is described as 10 self-contained flats in a converted mid-terrace Victorian property of five storeys.
4. The Applicant is the Freeholder/landlord of the Property and the Respondents comprise its leaseholders.
5. The Application relates to works at the Property following a failure of the water supply on 2 July 2025 to Flats 9 & 10. Following attendance at the Property by Diamond Drains (instructed by the Applicant) it was ascertained that the booster pump had failed and required replacing. Diamond Drains attended and supplied and fitted a Single Pump Variable Speed Booster Set 50L/min @4.5 bar, which included all works to accommodate the new pump (electrical and plumbing), priming and testing. The total cost of the works was £3,090.00.
6. The works were considered urgent by the Applicant, as two of the flats on the top floor of the Property had interference to their water supply. It was discovered upon inspection that the booster pump had failed and required replacing in accordance with the typical lifespan of such pumps as advised by the Applicant's appointed contractor, Diamond Drains. Diamond Drains provided a quote for works to the Applicant which was circulated to the Respondents on 2 July 2025. The Applicant accepted the quote and asked Diamond Drains to undertake the works as soon as possible. The works were subsequently carried out.
7. The Respondents were notified of the emergency works by email on 2 July 2025. The Applicant says no objections were received. Whilst this correspondence gave the Respondents an opportunity to comment it does not comply with consultation requirements of the LTA 1985, hence the need to seek dispensation.

8. By Directions of the Tribunal dated 6 August 2025 it was decided that the application be determined without a hearing, by way of a paper case.
9. The Applicant has confirmed that no objections have been received from the Respondents in accordance with the Tribunal's directions.
10. The Tribunal did not inspect the Property as it considered the documentation and information before it in the set of documents provided by the Applicant to be sufficient to enable the Tribunal to proceed with this determination.
11. This has been a paper determination which has not been objected to by the Parties. The documents that were referred to are the Applicant's application, a specimen lease, a list of the Respondents and the Tribunal's Directions dated 6 August 2025.

The issues

12. This decision is confined to determination of the issue of dispensation from the consulting requirements in respect of the qualifying long-term agreement. The Tribunal has made no determination on whether the costs are payable or reasonable. If a Lessee wishes to challenge the payability of or reasonableness of those costs as service charges, including the possible application of effect of the Building Safety Act 2022, then a separate application under section 27A of the LTA 1985 would have to be made.

Law

13. Section 20 of the LTA 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 require a landlord planning to undertake major works, where a leaseholder will be required to contribute over £250 towards those works, to consult the leaseholders in a specified form. The purpose of the consultation procedure is to ensure tenants are protected from paying for inappropriate works or paying more than would be appropriate.
14. Should a landlord not comply with the correct consultation procedure it is possible to obtain dispensation from compliance with the consultation procedure by an application such as this one before the Tribunal. When considering any request for dispensation the Tribunal must be satisfied that it is reasonable to dispense with the requirement to consult in the particular case.
15. The Applicant seeks dispensation under section 20ZA of the LTA 1985 from all the consultation requirements imposed on the landlord by section 20 of the LTA 1985.

16. Section 20ZA relates to consultation requirements and provides as follows:

“(1) 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.

(2) In section 20 and this section—

“qualifying works” means works on a building or any other premises, and

“qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

....

(4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

(a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,

(b) to obtain estimates for proposed works or agreements,

(c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,

(d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.”

17. In the case of *Daejan Investments Ltd v Benson and others [2013] UKSC 14* the Supreme Court considered the dispensation provisions and set out guidelines as to how they should be applied.

18. The Supreme Court confirmed that the correct approach is to consider whether the flat owners will suffer any relevant prejudice and, if so, what relevant prejudice would arise from a landlord’s failure to comply with the requirements.

19. In considering applications for dispensation the Tribunal should focus on whether the leaseholders were prejudiced by the landlord’s failure to comply. The factual burden of identifying prejudice is on the flat owners.

20. The Tribunal must consider whether there has been any prejudice to the leaseholders from the failure by the landlord to comply with the

consultation process, and whether in the circumstances it is reasonable for the Tribunal to grant dispensation.

Reasons for the Tribunal's decision

21. Having read the evidence from the Applicant and having considered all of the documents and grounds for making the application provided by the Applicant, the Tribunal determines the dispensation issues as follows.
22. It is accepted that no consultation has been carried out by the Applicant. Applying *Daejan*, the test is whether the Respondent suffered any (and, if so what) relevant prejudice as a result of the failure to consult. The Tribunal needs to focus on whether the Respondent was prejudiced by paying for inappropriate works or paying an inappropriate amount as a result of the Applicant's failure to consult.
23. The Applicant believed that the replacement of the water pump and associated works needed to be carried out immediately and, as such, there was no time for any proper consultation to take place. On the evidence before it the Tribunal agrees with the Applicant's conclusions.
24. The Tribunal finds, taking into account that there have been no objections to this application from the Respondents, that there has been no relevant prejudice to any of the leaseholders as a result of the failure to comply with the consultation requirements.
25. As a result, the Tribunal finds that it is reasonable to allow dispensation in relation to the subject matter of the application.
26. Accordingly, the Tribunal grants the Applicant's application for dispensation from all or any of the consultation requirements provided for by section 20 of the LTA 1985, in relation to the installation of a new booster pump and associated works at the Property.
27. The Applicant shall place a copy of the Tribunal's decision on dispensation together with an explanation of the Respondents' appeal rights in a prominent position in the communal areas of the Property within 7 days of receipt and shall maintain it there for at least 3 months. By doing so the Respondents who have not returned the reply form may view the Tribunal's decision on dispensation and their appeal rights.

Name: Deputy Regional Judge
Purcell

Date: 20 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).