



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

<b>Case Reference</b>	<b>LON/ooAY/LDC/2025/0885</b>
<b>Property</b>	<b>72 Kings Avenue, London SW4 8BH</b>
<b>Applicant</b>	<b>72 Kings Avenue (Management) Limited, represented by Dexters Block Management</b>
<b>Respondents</b>	<b>The leaseholders listed in the appendix to this decision</b>
<b>Type of Application</b>	<b>Dispensation from consultation requirements under Landlord and Tenant Act 1985 section 20ZA</b>
<b>Tribunal Member</b>	<b>Judge R Percival</b>
<b>Venue</b>	<b>Remote paper determination</b>
<b>Date of Decision</b>	<b>16 December 2025</b>

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**DECISION**

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## **Decisions of the tribunal**

- (1) The Tribunal, pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”), grants dispensation from the consultation requirements in respect of the works which are the subject of the application.

## **Procedural**

1. The landlord submitted an application for retrospective dispensation from the consultation requirements in section 20 of the Landlord and Tenant Act 1985 (“the 1985 Act”) and the regulations thereunder, dated 17 September 2025.
2. The Tribunal gave directions on 28 October 2025. The directions provided for a form to be distributed to those who pay the service charge to allow them to object to or agree with the application, and, if objecting, to provide such further material as they sought to rely on. The application and directions were required to be sent to the leaseholders and any sublessees, and to be displayed as a notice in the common parts of the property. The deadline for return of the forms, to the Applicant and the Tribunal, was 21 November 2025.
3. The Applicant confirmed that the relevant documentation had been sent to the leaseholders.
4. No response from any of the leaseholders has been received by the Tribunal. The Applicant also confirmed that no responses had been received by it.

## **The property and the works**

5. The property is a five storey purpose built block, which the Applicant states consists of seven flats.
6. Following a recent routine inspection, it became apparent that one of two sewerage sump pumps serving the property required replacement following the failure of a component. The Applicant asserts that the matter was urgent, as the failure of the pump meant that, if the other pump were to fail, foul water would leak into the grounds and the basement flat. There had in the past been serious problems consequent on sump pump failure.
7. The information provided to the Applicant was that the cost of repairing the existing pump would be comparable to buying a new

pump. The specialist consulted recommended the installation of a new pump, which would benefit from a warranty.

8. The Applicant received a quotation for £2,342.40, which appears to have been the price paid for the work (photographs of which appear in the bundle).

## **Determination**

9. The relevant statutory provisions are sections 20 and 20ZA of the Landlord and Tenant Act 1983, and the Service Charges (Consultation etc)(England) Regulations 2003. They may be consulted at the following URLs respectively:  
[https://www.legislation.gov.uk/ukpga/ 1985/70](https://www.legislation.gov.uk/ukpga/1985/70)  
<https://www.legislation.gov.uk/uksi/2003/1987/contents/made>
10. The Tribunal is concerned solely with an application under section 20ZA of the 1985 Act to dispense with the consultation requirements under section 20 and the regulations.
11. It is not entirely clear how many flats/respondents there are. The Applicant states that the property contains seven flats. However, the Applicant's list of respondents includes, in addition to flats numbered one to seven, two other flats, numbered 72A and 72B. The difference is, however, immaterial in that the threshold for the consultation requirements is reached on either basis. The full list of respondents given by the Applicant is assumed to be complete and is used in this determination.
12. In the first place, the Applicant makes a reasonable case for urgency. It explains that there have been issues with the pumps in the past, and the failure of one of two pumps creates an obvious danger of serious consequences should the one remaining pump fail.
13. But secondly, no response has been received from any of the leaseholders objecting to the application, either by the Tribunal or, it reports, the Applicant. It is therefore clear that none of the leaseholders have sought to claim any prejudice as a result of the consultation requirements not having been satisfied. Where that is the case, the Tribunal must, quite apart from any question of urgency, allow the application: *Daejan Investments Ltd v Benson and others* [2013] UKSC 14; [2013] 1 WLR 854.
14. This application relates solely to the granting of dispensation. If the leaseholders consider the cost of the works to be excessive or the quality of the workmanship poor, or if costs sought to be recovered through the service charge are otherwise not reasonably incurred, then

it is open to them to apply to the Tribunal for a determination of those issues under section 27A of the Landlord and Tenant Act 1985.

### **Rights of appeal**

15. 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 London regional office.
16. The application for permission to appeal must arrive at the office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
17. If the application is not made within the 28 day time limit, the 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 these reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
18. The application for permission to appeal must identify the decision of the Tribunal to which it relates, 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.

**Name:** Judge Richard Percival

**Date:** 16 December 2025

## **APPENDIX: LIST OF RESPONDENTS**

James Coario	Flat 1
Patrick Orr	Flat 2
Mark Crotti	Flat 3
Zoe Berville	Flat 4
Irene Bausas	Flat 5
Lauren Godfrey	Flat 6
James Dowen	Flat 7
Jacek Luczak	72A
Sophie O'Hare	72B