FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/00AG/LDC/2025/0890**
Property	**:**	**Leigh House, 73 South End Road, Hampstead, London NW3 2RJ**
Applicant	**:**	**Southern Land Securities Ltd, represented by Together Property Management**
Respondents	**:**	**Mr and Mrs Brenman (flat 1)** **Mr J McAvoy (flat 2)** **Mr G Patros (flat 3)** **Mr G Hommel (flat 4)**
Type of Application	**:**	**Dispensation from consultation requirements under Landlord and Tenant Act 1985 section 20ZA**
Tribunal Members	**:**	**Judge Professor R Percival**
Venue	**:**	**Remote paper determination**
Date of Decision	**:**	**16 December 2025**

DECISION

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 2 October 2025.

2. The Tribunal gave directions on 31 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 property and the works

5. The property is a semi-detached townhouse converted into four flats. It was constructed in about 1920 and is grade II listed.

6. The works were to unblock or repair a defective gutter which was causing water ingress into the top floor flat. The Applicant reports that, given the height of the building, scaffolding was required, which took the cost above the threshold for the consultation requirements.

7. Two quotations were secured, for £2,640 and £1,850. The latter, from Darran Hall Roofing, was accepted, and the works are now complete.

Determination

8. 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/uksi/2003/1987/contents/made

9. 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.

10. First, it appears that there was a significant degree of urgency in undertaking the work, as water ingress was reported to be increasing in the top floor flat. On this basis alone, it is reasonable to grant dispensation.

11. But secondly, in any event, 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.

12. 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

13. 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.

14. 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.

15. 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.

16. 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 Prof Richard Percival **Date:** 16 December 2026