



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

Case reference : **LON/00BJ/LDC/2025/0910**
Applicant : **Dalebeam Limited**
Respondent : **All leaseholders as per the schedule
attached to the application**
Property : **14 - 18 Elmfield Mansions, Elmfield Road,
London SW17 8AA**
Venue : **10 Alfred Place, London WC1E 7LR**
Tribunal : **Judge Brilliant**
Date of decision : **16 December 2025**

**DECISION
© CROWN COPYRIGHT**

1. This application is for dispensation from the consultation requirements of the Landlord and Tenant Act 1985 ("the 1985 Act"), pursuant to s.27ZA of the 1985 Act.
2. Section 20ZA(1) provides that:
"Where an application is made to [the FTT] for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works ..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements."
3. The property is a Victorian Mansion block comprising 9 flats in the borough of Wandsworth, London.
4. The Applicant has applied for dispensation from the statutory consultation requirements resulting from a drain survey which identified various cracks in the underground drainage serving the building and recommended works following that drain survey.
5. Flats 14, 14A and the interconnecting hallway all suffer from a dry rot infestation and specialist dry rot treatment, which is the subject of a guarantee, is underway and has been ongoing since May 2025. When one of the ground floor flats was stripped out, it became apparent that the subsoil was wet. This is what prompted the need for the drain survey.

6. The survey identified cracking in several of the flats since the dry rot treatment started. A leak to the below ground drainage is the most likely explanation for the dry rot outbreaks.

7. Underground drainage repairs have already been carried out at a cost of £8,120.40. The Applicant states these were required to be done urgently as there were fears that the specialist dry rot treatment, which is the subject of a guarantee, may not be honoured if the underlying cause of the infestations remains left.

8. Further works have been recommended in the sum of £2,373.60. The total cost of works is £10,494.00.

9. Directions were given on 15 November 2025. There have been no objections.

7. The leading authority on applications for dispensation is the Supreme Court's decision in *Daejan Investments Ltd v Benson* [2013] UKSC 14; [2013] HLR 2.

8. In that case the Supreme Court held that the main, indeed normally, the sole question for the Tribunal when considering how to exercise its jurisdiction in accordance with s.20ZA(1) is the real prejudice to the tenants flowing from the landlord's breach of the consultation requirements. The financial consequences for the landlord of not granting a dispensation is not a relevant factor. The Tribunal may grant dispensation on such conditions as it thinks fit: provided that any such conditions are appropriate in their nature and their effect.

9. There is no evidence before me of any prejudice and I am satisfied that it is reasonable to grant dispensation.

10. **This decision only relates to dispensation, not to the reasonableness of the work done or its costs. These can be challenged before the FTT if necessary in separate proceedings.**

Name: Judge Brilliant

Date: 16 December 2025

Rights of appeal

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).