



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

**Case reference** : **LON/00BE/LDC/2025/0918**

**Property** : **26 Barry Road London SE22 0HJ**

**Applicant** : **Southern Land Securities Limited**

**Representative** : **Together Property Management Limited**

**Respondents** : **Mr Liam Curran Flat A  
Mr Carlos Iglesias Flat B  
Mr Susanna Cattaneo & Mr Christopher  
P Clarke Flat C  
Mr Joseph Nicholas Farley Flat D  
26 Barry Road London SE22 0HJ**

**Type of application** : **Dispensation of consultation  
requirements under s.20 Landlord and  
Tenant Act 1985**

**Tribunal member** : **Judge Richards-Clarke**

**Venue** : **Remote Paper hearing**

**Date of decision** : **16 January 2026**

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**DECISION**

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**Decision of the tribunal**

1. The Tribunal grants the application for the dispensation of all or any of the consultation requirements provided for by s.20 of the Landlord and Tenant Act 1985 ("the Act") in relation to remedial works to remedy the water ingress impacting Flat C at 26 Barry Road London SE22 0HJ ("the property").

### **The application**

2. The Applicant seeks a determination pursuant to s.20ZA of the Act for the dispensation of all or any of the consultation requirements provided for by s.20 of the Act. The application was dated 21 October 2025.
3. Directions of the Tribunal were issued on 13 November 2025. On 17 November 2025, the Applicant landlord confirmed compliance with the service requirements of these directions by sending a copy of the application and directions by email on 14 November 2025 and in addition displaying these in a prominent location in the communal areas of the property on 17 November 2025.
4. The case was listed for a paper determination. Neither party requested an oral hearing.

### **The hearing**

5. The matter was determined by way of a paper hearing which took place on 16 January 2026.

### **The background**

6. The property which is the subject of this application converted Edwardian terraced house built circa 1990 with four leasehold flats situated across three storeys.

### **The application**

7. The Applicant has applied for dispensation from the statutory consultation requirements in respect of qualifying works due to a water ingress impacting Flat C. Following a report of a water leak the gutters were replaced to prevent immediate damage. However, this did not resolve the problem as the leak continued.
8. The Applicant has obtained two quotes for the remedial works in the sum of £5000.00 plus VAT and £3550.00 plus VAT. This is for repair works to erect a scaffolding tower, removed defective render drip beads, apply two coats of render to the party wall and point flashings to chimney stack, repoint brickwork and remove debris from site.
9. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. This application did not concern the issue of whether any service charge costs will be reasonable or payable.

10. No notice was received from any of the Respondents opposing the application.

### **The decision of the Tribunal**

11. s.20 of the Act provides for the limitation of service charges in the event that the statutory consultation requirements are not met. The consultation requirements apply where the works are qualifying works (as in this case) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.

12. Dispensation is dealt with by s.20ZA of the Act which provides: -

*"Where an application is made to a leasehold valuation 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"*

13. On 17 October 2025, the leaseholders of were informed by e mail that as the internal leak continues to expand urgent works were to be carried out to prevent further water ingress and structural damage, and that an application would be made to dispense with the consultation process. The leaseholders were also informed that the contractor that had provided the lower of the two quotes will be instructed to urgently proceed with the works. On 6 November 2025, an e mail was sent the leaseholders with a summary of the works carried out to address the issues in relation to the water leak at the front left hand side of the roof, the party wall and the chimney stack.
14. On 28 October 2025 , the leaseholder Respondents were notified of this application by the Tribunal. On 14 November 2025, the leaseholder Respondents were sent the application and directions by email. These were also displayed in the communal area on 17 November 2025.
15. Taking into account that there have been no objections to this application from the Respondents, the Tribunal could not find prejudice to any of the leaseholders of the property by the granting of dispensation relating to the urgent works to remedy the water ingress impacting Flat C at the property. As a result, the Tribunal believes that it is reasonable to allow dispensation in relation to the subject matter of the application.
16. Accordingly, the Tribunal grants the Applicant's application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 in relation to urgent remedial works to the remedy the water ingress impacting the property as is set out above. The Tribunal is satisfied that, in the particular circumstances of this case, involving risks to the occupant(s) of the

affected flats and/or of further damage to this and other flats at the property it is reasonable to dispense with the consultation requirements.

17. The Tribunal's determination is limited to this application for dispensation of consultation requirements under section 20ZA of the Act.

Name: Tonya Richards-Clarke

Date: 16 January 2026

### **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).