



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

Case reference : LON/ooAY/LDC/2025/0924

Property : **George Mews, 328 Brixton Road,
London, SW9 7AB**

Applicant : **George Mews Freehold Limited**

Representative : **Ringley law**

Respondents : **Leaseholders listed in/attached to
application**

Representative : **N/A**

Type of application : **To dispense with the statutory
consultation requirements under
section 20ZA Landlord and Tenant Act
1985**

Tribunal member : **Judge S. McKeown**

Date of decision : **21 January 2026**

DECISION

This has been a remote hearing on the papers. A face-to-face hearing was not held because no-one requested a hearing and all issues could be determined on paper. The Tribunal has had regard to a bundle provided, comprising 43 pages (page references are to that bundle).

DECISION

The Tribunal grants the application for dispensation from statutory consultation in respect of works to repair the vehicle gate and to instal an intercom in the sum of £5,088 (inclusive of VAT).

This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or cost of the works.

The Applicant must serve a copy of this decision on all Respondents and display a copy of this decision in a prominent place in the common parts of the Property within 14 days of receipt of this decision.

The Application – p.4

1. George Mews, 328 Brixton Road, London, SW9 7AB (“the Property”) is a purpose-built block of flats consisting of 10 flats.
2. By application dated 31 October 2025, the Applicant seeks a determination pursuant to section 20ZA of the Landlord and tenant Act 1985 (“the Act”) for dispensation from consultation in respect of works which are said to be urgently required to the vehicle gate, which is severely damaged. The application states that the gated entrance enhances the estate’s security and appearance, making it essential that the repairs are carried out without delay. It is said that the works were to commence within the following new weeks, as the engineers need to order the necessary parts. As part of the project, a Telguard ML Series 4G LTE intercom system will be installed. It is said that there has been limited consultation due to the urgency of the works.
3. The Service Charges (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any tenant being more than £250. The cost which is the subject of the application exceeds this threshold.
4. By directions (p.14) dated 21 November 2025 ('the directions') the Tribunal directed that the Applicant had, by 1 December 2025, to send to each of the leaseholders (and any residential sublessees) and to any recognised residents' association by email, hand delivery or first-class post, among other things, copies of the application form (unless already sent), brief statement to explain the reasons for the application (unless already detailed in the application form) and a copy of the directions.

5. Leaseholders who opposed to the application were to respond by 24 December 2025. There was also provision for a response from the Applicant.
6. On 8 December 2025, the Applicant confirmed that it had complied with the directions, that copies of the application and the directions were provided to the leaseholders by email on 1 December 2025 and displayed in the communal area of the Property on 8 December 2025.
7. The Tribunal has not received a completed form from any leaseholder or sublessee.
8. The directions provided that the Tribunal would decide the matter on the basis of written submissions unless any party requested a hearing. No such request has been made.

The Applicant's case

9. The Applicant has provided a witness statement from Ms. Theophanous dated 14 January 2026. This states that the Applicant had not received any response to the application, that they were awaiting an invoice with a breakdown of the works but a summary of the costs were: vehicle gate repairs of £2,760 & VAT and intercom £1480 & VAT = £5,088.
10. A copy of the Lease (p.26) between Twinplane Limited and Thirugnanaselvam Damayantharan dated 5 December 2005 in respect of Flat 1. The Lessee covenants to pay all rates, taxes, assessments, charges and outgoings whatsoever which may at any time during the same term be assessed imposed or charged on the Flat... and in the event of such rates, taxes, assessments, charges and outgoings being assessed, imposed or charged upon or in respect of the Building or any part thereof which is not payable by the lessees of any other flat in the Building to pay the proper proportion of such attributable to the Flat. The Lessee also covenants to pay and contribute one tenth of the reasonable costs and expenses of the matters referred to in cl. 4(2)(5) and (6) and of any other liability imposed on the Lessee in compliance with cl. 4(2)(5) and (6). Clause 4(5) contains repairing obligations on the part of the Lessor.

The Respondent's case

11. No Respondent objected to the application.

The Law

12. Section 20ZA of the Act, subsection (1) provides:
“Where an application is made to a 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. The Supreme Court in the case of *Daejan Investments Ltd v Benson and Others* [2013] UKSC 14 set out certain principles relevant to section 20ZA. Lord Neuberger, having clarified that the purpose of section 19 to 20ZA of the Act was to ensure that tenants are protected from paying for inappropriate works and paying more than would be appropriate, went on to state *“it seems to me that the issue on which the [tribunal] should focus when entertaining an application by a landlord under section 20ZA(1) must be the extent, if any, to which the tenants were prejudiced in either respect by the failure of the landlord to comply with the requirements”*.

Determination and Reasons

14. The whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the tribunal is satisfied that it is reasonable for them to be dispensed with. Such an application may be made retrospectively.
15. The Tribunal has taken account of the decision in *Daejan Investments Ltd v Benson and Others* in reaching its decision.
16. The vehicle gate is in need of repair and ensuring the vehicle gate is in good order is a matter of security. There was no consultation, but the leaseholders have been made aware of this application as set out herein and have not responded. There is no evidence before the Tribunal that the Respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements.
17. The Tribunal is therefore satisfied that it is reasonable to grant unconditional retrospective dispensation from the consultation requirements of s.20 Landlord and Tenant Act 1985 in regard to the works set out herein.
18. The Tribunal make no determination as to whether the cost of the works are reasonable or payable. If any leaseholder wishes to challenge the reasonableness of the costs, then a separate application under s.27A Landlord and Tenant Act 1985 should be made.
19. It is the responsibility of the Applicant to serve a copy of this decision on all Respondents, and the Interested Person and to display a copy of this decision in a prominent place in the common parts of the Property.

Name: Judge S. McKeown

Date: 21 January 2026

Rights of appeal

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).