FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AY/LDC/2025/0942**
Property	**:**	**1-82 Rundell Tower, Portland Grove, London, SW8**
Applicant	**:**	**The Mayor & Burgesses of the London Borough of Lambeth**
Representative	**:**	**Mr. Patrick Byfield**
Respondents	**:**	**Residents of 1-82 Rundell Tower**
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 73 pages (page references are to that bundle).

DECISION

The Tribunal grants the application for dispensation from statutory consultation in respect of works to install three new boilers and associated equipment.

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 qualifying long-term agreement.

The Applicant must serve a copy of this decision on the 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.1

1. By application dated 3 November 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 communal boilers at the Property.

2. 1-82 Rundell Rower, Portland Grove, SW8 ("the Property") is purpose-built 21-storey block of 82 two-bedroom flats, of which 13 are held on long leases. The Applicant is the freeholder of the Property.

3. The Applicant states that it was unable to comply with the consultation requirements due to the urgent nature of the works. It is said that the Respondents would not be contributing towards inappropriate works or contributing more than would be appropriate.

4. It is said that on 24 October 2025, the Applicant received reports from their qualifying long-term contractor that all six communal boilers serving the Property had reached the point of operational failure, resulting in a loss of heating and hot water to all properties supplied by the communal system. No further temporary repairs were possible as the manufacturer no longer produced replacement parts for this model of boiler. It is said that the only viable and urgent option was the immediate installation of three new commercial gas boilers and associated equipment and a work order was raised. The contractor provided an estimate of works of £99,900.79 (p.20). A Justification Report dated 28 October 2025 (p.23), produced by a Commercial Heating Engineer confirmed the works were urgent and unavoidable. There was a significant health and safety risk to occupants. It is said that the works were in progress. The Applicant had written to all leaseholders on 3 November 2025 (p.29) explaining why works were required, what their estimated contribution was expected to be and that

this application would be made. It is said that the cost of works per leaseholder was estimated to be £1,250 (although the sample letter at p.29 states that the estimated cost is £1,425).

5. A copy of the Lease dated 19 May 2003 (p.33) between London Borough of Lambeth and Louise Hamilton in respect of Flat 8.

6. 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.

7. By directions (p.53) dated 2 December 2025 the Tribunal directed that the Applicant had, by 9 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.

8. Leaseholders who opposed to the application were to respond by 24 December 2025. There was also provision for a response from the Applicant.

9. The directions were amended on 11 December 2025 (p.62) to extend time for the directions to be displayed at the Property and for the Applicant to provide evidence of compliance.

10. On 9 December 2025, the Applicant confirmed that the documents were send to the leaseholders by first class mail. On 17 December 2025, the Applicant confirmed that the documents were displayed in the Property on 16 December 2025.

11. The Tribunal has not received a completed form from any leaseholder or sublessee.

12. 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 Respondents' case

13. No Respondent has objected to the application.

The Law

14. 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".

15. 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

16. 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.

17. The Tribunal has taken account of the decision in *Daejan Investments Ltd v Benson and Others* in reaching its decision.

18. There was an urgent need for works to be done as the final boiler had reached operational failure and no further temporary repairs were possible. The matter was urgent, particularly given the time of year: the failure of the heating plant resulted in a loss of heating and hot water to all properties served by the communal system, which presented a health and safety risk to those occupants. The leaseholders were informed of the works and the likely cost to them. There is no evidence before the Tribunal that the Respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements.

19. 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.

20. 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.

21. It is the responsibility of the Applicant to serve a copy of this decision on the Respondents 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).