



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

Case Reference	:	LON/00BK/LDC/2025/0872
Property	:	Wyndham House, 24, Bryanston Square, London. W1H 2DS
Applicant	:	Heathgate Block Management Ltd. (in its capacity as managing agent on behalf of Slogantree Ltd., the landlord)
Representative	:	Mr. D. Black of counsel instructed by Freeman Box Solicitors
Respondents	:	The Residential Long Leaseholders of flats 1-12 and 14-17 at the property
Representative	:	Mr. M. Unsworth
Type of Application	:	For the determination of an application for dispensation from the statutory consultation requirements
Tribunal Members	:	Judge S.J. Walker Tribunal Member F. Macleod MCIEH
Date and venue of Hearing	:	10 December 2025 Remote video hearing
Date of Decision	:	18 January 2026

DECISION

Decision of the Tribunal

The Tribunal determines that the statutory consultation requirements shall be dispensed with in respect of all works in pursuance of the enforcement notice served by the London Fire Brigade on 13 December 2022, and all works in pursuance of any subsequent extension of that

enforcement notice, in respect of Wyndham House, 24, Bryanston Square, London W1H 2DS.

Reasons

The application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) dispensing with the statutory consultation requirements which apply by virtue of section 20 of the 1985 Act.
2. The application was made on 19 September 2025. As initially drafted the application sought dispensation in respect of what were described as (a) the installation of a fire alarm system, (b) compartmentation works, and (c) ancillary works required by London Fire Brigade (“LFB”). The works were described as being urgent as they needed to be undertaken in order to comply with an enforcement notice which had been issued by the LFB.
3. Directions were made on 22 October 2025 by Judge Foskett. They required the Applicant to send copies of the application and the directions to the leaseholders and to display a copy of them in a prominent place in the common parts of the property. The Tribunal is satisfied that this was done.
4. The directions provided that those leaseholders who opposed the application were to complete a reply form and return it to the Tribunal by 28 October 2025.
5. The directions further provided that the application would be determined on the papers in the week commencing 24 November 2025 unless by 10 November 2025 an oral hearing was requested. Such a hearing was requested by several of the Respondents within the directed time.
6. The relevant statutory provisions are set out in the Appendix to this decision.
7. Neither party requested an inspection, and the Tribunal did not consider that one was necessary, nor would it have been proportionate to the issues in dispute.
8. The Applicant prepared a bundle consisting of 327 numbered pages. References to page numbers throughout this decision are to the page numbers appearing in this bundle. The Tribunal was also provided with a bundle of authorities and relevant legislation on behalf of the Applicant.

The Hearing

9. The hearing was conducted remotely by video. The Applicant was represented by Mr. Black. Mr. Unsworth attended on behalf of the Respondents.

The Background

10. The property comprises a purpose built block of 16 apartments built in the 1930s. It is above 18 metres in height and spans 7 floors.

The Lease

11. No evidence of title has been provided, but there is no issue as to the Applicant's entitlement to make this application.
12. A copy of a sample lease was provided to the Tribunal (pages 290 to 327). The Tribunal was satisfied that it included the usual obligations on the tenant to pay a contribution towards the expenses incurred by the landlord in performing its obligations under the lease. Those obligations include, among other things, an obligation to repair the structure of the building and the common parts, and to maintain plant in working order, (paras 3.1 and 3.2 of Part II of the Second Schedule (page 317)). The tenants also covenant to pay the landlord's costs of any tools fire equipment and apparatus (para 4.2.10 of Part III of the Second Schedule (page 318)).

The Issues

13. The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. The Tribunal is not concerned with the issue of whether any service charge costs or legal costs will be reasonable or payable.

The Applicant's Case

14. The Applicant's case is set out in their application (pages 3 to 21) and the supporting documentation. Put simply, their case is as follows. The Applicant took over management of the property in mid 2022. Upon doing so, they became aware of a number of serious issues relating to fire safety at the property. On 13 December 2022 the LFB served an enforcement notice on the landlord (pages 37 to 43). This required the landlord to carry out a schedule of works (set out at pages 41 to 43) by 2 May 2023. The Applicant began undertaking those works and in doing so liaised throughout with the LFB. Various extensions were granted to the deadline for doing the works and various additional works, or changes to those works were identified over time. Although works were progressing, by 28 March 2024 the LFB were requiring completion of the works within a week failing which a prosecution would commence. The Applicant's case is that they had no choice but to undertake the works and that given the urgent necessity of doing so it was not possible to undertake a proper consultation.
15. By 29 January 2025 sufficient work had been completed to enable the LFB to issue a partial completion letter, and they no longer considered it necessary to begin a prosecution investigation (page 162).

The Respondents' Case

16. The Respondents' case is set out in their written response at pages 269 to 271. They draw attention to the fact that no section 20 notices were served and no quotations were submitted to leaseholders. Their objections are as follows;

- (a) firstly, complaint is made that the works should not have become urgent in the first place and that any urgency has arisen as a result of historic neglect by the landlord;
- (b) secondly, they argue that some of the works, for instance the installation of a new fire alarm system and works to side panels next to front doors, were not required; and
- (c) thirdly, the quotes obtained by the landlord for the works were not competitive

The Tribunal's Decision

17. The first question is whether or not the costs of the works are such that the question of consultation becomes relevant. There is no doubt that the question of consultation is relevant in this case.
18. There is no doubt also that in this case the Applicant has not complied with the statutory consultation requirements. Although it is clear that there were informal discussions between the Applicant and Mr. Unsworth, there has been an almost total failure to comply with the statutory requirements. There is also an acceptance in the Applicant's own application that in respect of the compartmentation works there was also a delay in making this application until confirmation was received from the LFB that the works done were to a satisfactory standard (page 19). Also, this application was not made until September 2025, whereas the threat of prosecution had gone by January of that year.
19. There is no doubt that the Applicant was aware, at least by 13 December 2022, of the need for works to be done but no formal steps were taken over a period of over 2 years.
20. However, it is not enough for the Respondents to show that there has been a failure to carry out the required consultation. As is made clear by the Upper Tribunal in the case of Holding & Management (Solitaire) Ltd. -v- Leaseholders of Sovereign View [2023] UKUT 174 (LC), the consultation requirements are not an end in themselves and can be dispensed with if there is no relevant prejudice to the leaseholders (para 21). In other words, the mere fact that a leaseholder has not been able to participate in a consultation process is not, of itself, a bar to the granting of a dispensation.
21. Whilst there is a legal burden on the Applicant to show that a dispensation should be granted, there is a factual burden on the Respondents to identify some relevant prejudice that they would or might have suffered if the dispensation is granted.
22. The leading case of Daejan Investments Ltd. -v- Benson [2013] UKSC 14 makes it clear that the purpose of the consultation requirements is to protect tenants from (a) being required to pay for unnecessary works and (b) being required to pay more than they should for those works.
23. The Tribunal considered the two limbs of Daejan in turn.

Prejudice with regard to necessity

24. The first argument put forward by the Respondents was that the works should not have become urgent in the first place. Whether or not that is true, it is not a relevant consideration for this Tribunal, though it may be relevant in respect of a section 27A application. The Tribunal must consider the state of the property as it was at the time in respect of which the application is made. There is no dispute between the parties that at least some of the works had become urgent.
25. The second argument concerned whether or not all the works undertaken by the Applicant fell within the scope of what was required to be done in order to comply with the terms of the LFB enforcement notice. Mr. Unsworth accepted that works which had to be done in order to comply with an LFB enforcement notice could not be regarded as anything other than necessary. However, a considerable amount of time during the hearing was taken up with debate about what works were actually the subject of the application and whether or not those works could or could not be regarded as necessary in order to comply with the LFB enforcement notice.
26. This difficulty was resolved when Mr. Black on behalf of the Applicant amended the substance of their application. He invited the Tribunal to make a dispensation order only in respect of the following;
“works in pursuance of the London Fire Brigade enforcement notice dated 13 December 2022 and any subsequent extension of that notice”
27. That being the case, the Tribunal had little difficulty concluding that the Respondents have not met the evidential burden of showing that the works carried out by the Applicant were inappropriate. Works done in pursuance of an LFB enforcement notice cannot, in the view of the Tribunal, be inappropriate.

Prejudice with regard to cost

28. The Respondents provided no alternative costings in respect of the relevant works nor did they provide any other evidential basis for any assertion that the costs charged by the Applicant’s chosen contractors are excessive. At best there is mere speculation that it might have been possible to have the works done more cheaply.
29. In the view of the Tribunal, the Respondents have also failed to meet the evidential burden of showing that the costs of the proposed works are too high.
30. In all the circumstances and for the reasons set out above the Tribunal is not satisfied that the Respondents have suffered prejudice under either limb of the Daejan test, and, therefore, it is satisfied that it is reasonable to dispense with the consultation requirements unconditionally.

Name: Judge S.J. Walker

Date: 18 January 2026

ANNEX - RIGHTS OF APPEAL

- The Tribunal is required to set out rights of appeal against its decisions by virtue of the rule 36 (2)(c) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013 and these are set out below.
- If a party wishes to appeal against 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.

Appendix of relevant legislation

Landlord and Tenant Act 1985 (as amended)

Section 18

- (1) In the following provisions of this Act "service charge" means an amount payable by a tenant of a dwelling as part of or in addition to the rent -
 - (a) which is payable, directly or indirectly, for services, repairs, maintenance, improvements or insurance or the landlord's costs of management, and
 - (b) the whole or part of which varies or may vary according to the relevant costs.
- (2) The relevant costs are the costs or estimated costs incurred or to be incurred by or on behalf of the landlord, or a superior landlord, in connection with the matters for which the service charge is payable.
- (3) For this purpose -
 - (a) "costs" includes overheads, and

- (b) costs are relevant costs in relation to a service charge whether they are incurred, or to be incurred, in the period for which the service charge is payable or in an earlier or later period.

Section 19

- (1) Relevant costs shall be taken into account in determining the amount of a service charge payable for a period -
 - (a) only to the extent that they are reasonably incurred, and
 - (b) where they are incurred on the provisions of services or the carrying out of works, only if the services or works are of a reasonable standard;and the amount payable shall be limited accordingly.
- (2) Where a service charge is payable before the relevant costs are incurred, no greater amount than is reasonable is so payable, and after the relevant costs have been incurred any necessary adjustment shall be made by repayment, reduction or subsequent charges or otherwise

Section 20

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—
 - (a) complied with in relation to the works or agreement, or
 - (b) dispensed with in relation to the works or agreement by (or on appeal from) the appropriate Tribunal .
- (2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.
- (3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.
- (4) The Secretary of State may by regulations provide that this section applies to a qualifying long term agreement—
 - (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
 - (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
 - (a) an amount prescribed by, or determined in accordance with, the regulations, and

- (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with, the regulations.
- (6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.
 - (7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined.]

Section 20ZA

- (1) Where an application is made to the appropriate 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.
- (2) In section 20 and this section –
 - “qualifying works” means works on a building or any other premises, and
 - “qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.
- (3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement –
 - (a) if it is an agreement of a description prescribed by the regulations, or
 - (b) in any circumstances so prescribed.
- (4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.
- (5) Regulations under subsection (4) may in particular include provision requiring the landlord
 - (a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,
 - (b) to obtain estimates for proposed works or agreements,
 - (c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,
 - (d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and

- (e) to give reasons in prescribed circumstances for carrying out works or entering into agreements
- (6) Regulations under section 20 or this section
 - (a) may make provision generally or only in relation to specific cases, and
 - (b) may make different provision for different purposes.
- (7) Regulations under section 20 or this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.