



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

Case Reference : **LON/00AQ/LDC/2025/0713**

Property : **Flats 1-9, Phoenix House, 69
Greenhill Way, Harrow HA1 1LE**

Applicant : **Southern Land Securities Ltd.**

Applicant Representative : **Together Property Management
Ltd.**

Respondents : **Leaseholders of Flats 1-9,
Phoenix House**

Type of application : **Dispensation from statutory
consultant requirements**

Tribunal Member : **Mrs S Phillips MRICS Valuer
Chair**

Date of Decision : **17 June 2025**

DECISION

The Tribunal grants the application for retrospective dispensation from statutory consultation in respect of the subject works, namely the fixing of the lift at the Property.

The applicant should place a copy of this decision together with an explanation of the leaseholders' appeal rights on its website (if any) within seven days of receipt and maintain it there for at least three months, with a sufficiently prominent link to both on its home page. It should also display copies in a prominent position in the common parts of the Property.

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 the cost of the work.

The Application

- 1) The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the **Act**") for retrospective dispensation from consultation in respect of repairing the drive of the lift at the Property. This included:
 - a) Reflow connections.
 - b) Reflow dry joints.
 - c) Refurbish power supply module.
 - d) Refurbish pre-drive circuit.
 - e) Refurbish control card.
 - f) Replace IGBT Module(s).
 - g) Replace relays.
 - h) Replace all electrolytic capacitors.
 - i) Fully disassemble unit.
 - j) Remove all contamination.
 - k) Refurbish unit.
 - l) Full functional test.
- 2) 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 of the works the subject of the application exceed this threshold.

- 3) By directions dated 1 May 2025 (the “**directions**”) issued by the tribunal, they directed the Applicant to prepare a statement of case, provide reasoning for the application and provide any documentation the Applicant wished to rely upon for the application. The tribunal also directed that the Applicant send each of the leaseholders the application, the tribunal’s directions, the Applicant’s statement of case and display the same in the common parts of the Property, confirming to the tribunal that it had done so. The Applicant confirmed to the tribunal on 12 May 2025 that it had complied with this direction (albeit the display of information in the common parts of the Property was actioned on 12 May 2025 rather than 9 May 2025 due to the Bank Holiday).
- 4) The directions required any leaseholder who opposed, or positively supported, the application that they should tell the tribunal. If they opposed the application, they should send the tribunal and the applicant’s representative a statement responding to the application together with any documents they wished to rely on. The tribunal received no responses from the leaseholders.
- 5) 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

- 6) The Applicant is the freeholder of the Property. The Applicant’s Representative submitted an application within which it explained that in December 2024, the lift stopped working. Following an investigation by the Applicant’s contractor, Ambassador Lift Company Ltd (“the Contractor”), the Applicant was notified that there were two options available: either repair of the drive or replacement of the drive.
- 7) The Applicant advised in their application that several of the residents rely on the lift for access to their properties and as the festive period was approaching the works were identified as urgent.
- 8) On 9 December 2024 the Contractor quoted £3,097.94 exclusive of VAT for the works set out in paragraph 1. This was cheaper than arranging for the replacement of the drive. Consequently, the Applicant instructed the works on this basis and the works were completed before Christmas in December 2024.
- 9) Emails were issued to the leaseholders on 11 December 2024 setting out the options that had been presented and the cost of the total works, explaining

why they were needed and that an application would be made to the tribunal for dispensation from the section 20 consultation requirements.

The Respondents' case

- 10) There were no responses from the Respondents for the Tribunal to consider.

Determination and Reasons

- 11) Section 20ZA(1) of the Act 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.”

- 12) 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.
- 13) The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14 in reaching its decision.
- 14) There is no evidence before the tribunal that the respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements. The tribunal is therefore satisfied that it is reasonable to dispense with all or any of the consultation requirements in relation to the repairs to the lift repair.
- 15) Whether the works are payable under the terms of the lease, or if the works have been carried out to a reasonable standard or at a reasonable cost are not matters which fall within the jurisdiction of the tribunal in relation to this present application. 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, payability and /or cost of the works.

Chairman: Mrs S Phillips MRICS

Date: 17 June 2025

APPEAL PROVISIONS

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any request for full reasons should be made within a month. Any subsequent application for permission to appeal should be made on Form RP PTA.