



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

<b>Case Reference</b>	<b>:</b>	<b>CAM/00MD/LDC/2025/0644</b>
<b>Property</b>	<b>:</b>	<b>The Metalworks, Petersfield Avenue, Slough, Berkshire, SL2 5AE</b>
<b>Applicant</b>	<b>:</b>	<b>Seven Capital (Grosvenor) Ltd</b>
<b>Representative</b>	<b>:</b>	<b>Centrick Ltd</b>
<b>Respondents</b>	<b>:</b>	<b>The leaseholders named in the application</b>
<b>Type of application</b>	<b>:</b>	<b>Dispensation with consultation requirements – Section 20ZA of the Landlord and Tenant Act 1985</b>
<b>Tribunal members</b>	<b>:</b>	<b>Judge Bernadette MacQueen</b>
<b>Date of decision</b>	<b>:</b>	<b>27 January 2026</b>

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**DECISION**

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**Decision of the Tribunal**

The Tribunal determines that it is reasonable for the Applicant to dispense with the consultation requirements in relation to the works for the reasons set out in this decision.

## **Introduction**

1. The Applicant is the Freeholder of the Property, and the Respondents are the leaseholders.
2. The Applicant sought an order pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) for dispensation of the consultation requirements in respect of the emergency replacement of three water booster pumps at the Property.
3. The Tribunal made directions for the Applicant to send their application to the Respondents, and for the Respondents who oppose the application to make representations. Further the directions required the Applicant to prepare a bundle of documents for the Tribunal to use when determining the application. The Tribunal has received a bundle totalling 26 pages (the Bundle). This included the application, the invoice for the works and the Tribunal’s directions.

## **The Work**

4. The Applicant submitted that on 19 June 2025, a power surge caused the three water booster pumps at the Property to fail. This left all 155 flats without water in very hot weather.
5. Replacement pumps were sourced and installed the same day at a cost of £41,220.00 (including VAT). Temporary water was supplied to residents until the new pumps were installed that evening.
6. The cost of this work was above £250 per leaseholder, meaning that consultation with leaseholders was required (section 20 of the Act).

## **Consultation**

7. Due to the emergency nature of the works, the Applicant was unable to carry out statutory consultation with the Respondent leaseholders prior to the works being completed. The Applicant stated in the application that they would be carrying out the section 20 consultation process retrospectively.

### **Section 20ZA Application**

8. The Tribunal issued directions on 15 July 2025. The directions were subsequently amended on 12 September 2025 following the Applicant's notification that they had not received the original directions until 1 August 2025.
9. By 29 September 2025, the Applicant was required to send to each of the Respondent leaseholders copies of the application form, the directions, a description of the relevant works for which dispensation is sought, an estimate of the cost of the relevant works, and any other evidence relied upon. The Applicant was also required to file with the Tribunal a letter confirming this had been done. This included notifying Respondent leaseholders of the process to be followed if they wished to make objections.
10. None of the Respondents have objected to the application by the deadline of 14 October 2025.

### **Relevant Law**

11. This is set out in the Appendix annexed below. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.

## Decision

12. The Tribunal's determination took place without parties attending a hearing, in accordance with the Tribunal's Directions. This meant that this application was determined solely on the basis of the documentary evidence filed by the Applicant. As stated earlier, no objections have been received from any of the Respondents nor have they filed any evidence.
13. The relevant test to be applied is set out in the Supreme Court decision in **Daejan Investments Ltd v Benson & Ors** [2013] UKSC 14 where it was held that the purpose of the consultation requirements imposed by section 20 of the Act was to ensure that tenants were protected from paying for inappropriate works or paying more than was appropriate. In other words, a tenant should suffer no financial prejudice in this way.
14. The issue before the Tribunal was whether dispensation should be granted in relation to the requirement to carry out statutory consultation with the leaseholders regarding the overall works. As stated in the Directions order, the Tribunal was not concerned about the actual cost that has been incurred.
15. The Tribunal was satisfied that the Respondents have been properly notified of this application and have not made any objections.
16. Accordingly, the Tribunal grants the application for the following reasons:
  - (a) The Tribunal is satisfied that the nature of the work means that it had to be undertaken by the Applicant without delay. In particular, the Tribunal notes that the failure of the water pumps left all 155 flats without water in very hot weather, and that emergency replacement was necessary.

- (b) The Tribunal is also satisfied that if the Applicant had carried out statutory consultation, there would have been unacceptable delay in restoring water to the Property.
- (c) The Tribunal is satisfied that the Respondents have been kept informed of the need, scope and cost of the works.
- (d) The Tribunal is satisfied that the Respondents have been served with the application and the evidence in support and there has been no objection from any of them.
- (e) Importantly, the real prejudice to the Respondents would be in the cost of the work and they have the statutory protection of section 19 of the Act, which preserves their right to challenge the actual costs incurred by making a separate service charge application under section 27A of the Act.

17. The Tribunal, therefore, determines that the Respondents are not prejudiced by the Applicant's failure to consult and the application for dispensation is granted.

18. It should be noted that in granting this application, the Tribunal makes no finding as to whether or not the scope and cost of the work is reasonable.

19. There was no application to the Tribunal for an order under section 20C of the Act.

20. The Applicant shall send a copy of this decision to the Respondents.

**Judge Bernadette MacQueen**

**27 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).

## **Appendix of relevant legislation**

### **Landlord and Tenant Act 1985 (as amended)**

#### **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 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.