



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

**Case reference** : **LON/ooAF/LDC/2025/0944**

**Applicant** : **Southern Land Securities Limited**

**Representative** : **Together Property Management Limited**

**Respondent** : **All long leaseholders**

**Representative** : **N/A**

**Property** : **7 Versailles Road, Anerley, London,  
SE20 8AX**

**Tribunal** : **Judge Tueje  
Ms C Barton MRICS**

**Date of decision** : **5<sup>th</sup> February 2026**

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**DECISION**

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In this determination, statutory references relate to the Landlord and Tenant Act 1985 unless otherwise stated.

**Decision of the Tribunal**

- (1) The Tribunal grants unconditional dispensation pursuant to s.20ZA in respect of replacing the soil pipe at the Premises (the “Works”). The Works were carried out by Beck Roofing & Building Limited, costing £2,000.00, with no VAT payable.

**The Application**

1. This Application under section 20ZA, is dated 7<sup>th</sup> August 2025, and seeks dispensation from the statutory consultation requirements in respect of the Works required at 7 Versailles Road, Anerley London, SE20 8AX (the “Premises”).

**Background**

2. The Premises are a 4-storey former semi-detached Victorian house, which has been converted into 4 flats.
3. The Applicant, Together Property Management Limited, is the managing agent appointed by the Landlord. The Landlord is Southern Land Securities Limited.
4. In its statement of case dated 23<sup>rd</sup> January 2026, the Applicant states:

*We received notification from several leaseholders of a heavy leak from the communal soil pipe which was causing internal damage due to the severe water ingress.*

...

*Due to the urgency [of] the matter and the damage being caused to three flats in the building including the common hallway, quotations were sent to leaseholders along with a covering letter explaining our intention to proceed with the works and to seek dispensation from the section 20 consultation process on the grounds of urgency.*

*No objections were received to the repairs so works went ahead and soil pipe was successfully replaced.*

5. On 2<sup>nd</sup> December 2025 the Tribunal issued directions, including directing the Applicant to send a copy of the application and the directions to all leaseholders, and brief reasons for making the application, as well as displaying a copy of these in a prominent place in the communal parts of the Premises. The Tribunal also directed the Applicant to e-mail the Tribunal to confirm it had done so.
6. The directions made provision for any Respondents who opposed the application to e-mail the Applicant and the Tribunal with their objections. Further, the Applicant was directed to prepare a bundle to include any objections received to the application, or confirmation that it had received no responses.
7. On 15<sup>th</sup> December 2025, the Applicant confirmed it had sent the documents to the Respondents as directed by the Tribunal. However, surprisingly, it explained it had not been able to display the documents in because it did not have a key to access the common parts.
8. The Tribunal was provided with a 51-page bundle including the following documents:
  - 8.1 A statement of case
  - 8.2 The application form requesting the section 20ZA dispensation;
  - 8.3 The Tribunal's directions order dated 2<sup>nd</sup> December 2025;
  - 8.4 Quotations received for the Works;
  - 8.5 Correspondence with leaseholders;

- 8.6 An invoice for the Works; and
- 8.7 A sample lease.
- 9. The hearing bundle did not contain any objections from the Respondents, nor did it contain confirmation that no objections had been received.
- 10. The Tribunal notes, with disappointment, that the Applicant has failed to comply with two of the Tribunal's directions, namely, to display the relevant documents in the common parts, and to notify the Tribunal if any objections had been received in response to the application. We note too, that this is against the background of non-compliance with the consultation requirements.
- 11. Nonetheless, we also take the following into account:
  - 11.1 On 23<sup>rd</sup> June 2025 the Applicant wrote to leaseholders regarding the defective soil pipe, that quotations had been obtained, providing the cost of the Works, and that it did not intend to carry out statutory consultation due to the urgency;
  - 11.2 On 4<sup>th</sup> July 2025 the Applicant wrote to leaseholders explaining availability difficulties with the contractor that had provided the cheapest quote, and it had persuaded the other contractor, Becks Roofing and Building Limited to reduce its quotation;
  - 11.3 The Applicant wrote a further letter to leaseholders on 4<sup>th</sup> July 2025 confirming scaffolding was due to be erected on 9<sup>th</sup> July 2025, with works planned to begin shortly thereafter.
- 12. The Tribunal has not received objections from any of the Respondents.
- 13. In the circumstances, we are prepared to proceed on the basis that the Respondents have received sufficient notice of the application which the Applicant sent to them. As the Respondents were to send any objections to both the Applicant and the Tribunal, and the Tribunal has not received any, we are also prepared to proceed on the basis that the Respondents do not object to the application.

## **The Legal Framework**

- 14. So far as is relevant, section 20 states:
  - (1) *Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsections (6) or (7) (or both) unless the consultation have been either-*
    - (a) *Complied with in relation to the works or agreement, or*
    - (b) *Except in the case of works to which section 20D applies, 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 payment of service charges) to relevant costs incurred on carrying out the works under the agreement.*

*(3) This section applies to qualifying works if relevant costs incurred or on carrying out the works exceed an appropriate amount.*

15. Section 20ZA(1) continues:

*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 agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.*

16. In ***Daejan Investments Limited v Benson and others [2013] UKSC 14*** the Supreme Court provided the following guidance when dealing with section 20ZA applications for dispensation of the statutory consultation requirements:

- 16.1 The purpose of sections 19 to 20ZA is to ensure leaseholders are not required to pay any more than is necessary for services provided, and that they are not required to pay for unnecessary or unsatisfactory services.
- 16.2 The Tribunal is to focus on the extent to which leaseholders have been prejudiced by a landlord's failure to comply with the requirements under section 20.
- 16.3 Ordinarily, where the failure to comply with section 20 had not affected the extent, quality and costs of the works carried out, dispensation is more likely to be granted.
- 16.4 The Tribunal's main focus on such applications is what prejudice, if any, have leaseholders suffered.
- 16.5 The leaseholders bear a factual burden of identifying some relevant prejudice that they would or might suffer.
- 16.6 Where leaseholders make a credible case regarding prejudice, the landlord bears the legal burden to rebut this.
- 16.7 If appropriate, the Tribunal may grant conditional dispensation.

### **The Tribunal's Decision**

17. We have reached our decision after considering the documents provided.

18. The Tribunal grants unconditional dispensation pursuant to s.20ZA in respect of the Works required at the Premises, which were carried out by Beck Roofing & Building Limited, costing £2,000.00, with no VAT payable.

### **The Tribunal's Reasons**

19. We consider the Works carried out were necessary and urgent. The defective soil pipe was causing severe water penetration affecting 3 flats and the communal hallway.
20. We remind ourselves that, central to whether it is appropriate to exercise discretion to dispense with consultation is whether there has been any relevant prejudice to leaseholders.
21. Further, leaseholders have an evidential burden of identifying some relevant prejudice they have or would suffer.
22. By paragraph 2 of the directions order, the Respondents were afforded an opportunity to object to this Application, including by sending any objections to the Tribunal. We take into account that, as far as we are aware, none of the Respondents raised objections, and no objections appear to have been sent to the Tribunal. This indicates the Respondents do not consider they have suffered prejudice, as it's likely they would have objected to the application if there had been any prejudice to them.
23. We are satisfied that the Respondents have had sufficient notice, and adequate opportunity to respond to the application if they wished to. This is despite the procedural deficiencies referred to at paragraph 10 above regarding displaying the Tribunal application, and the absence of confirmation from the Applicant regarding whether it received any objections. Our reasons are at paragraph 13 above.
24. There is no indication that the absence of consultation has impacted the extent, quality or cost of the Works.
25. We also take into account that there has been a degree of informal consultation. In particular, the Respondents were notified about the Works to be carried out, the reason the Works were considered necessary and the cost of the Works. The Applicant carried out due diligence by obtaining two quotations, and originally selecting the cheapest quote, but when that contractor's availability became an issue, it persuaded the other contractor to reduce its quotation.
26. We have no grounds to consider there is cause to criticise this course of action, but also note leaseholders still have available to them an application regarding the payability and/or reasonableness of the cost of the Works under section 27A, if they see fit.

27. Due to the extent of the water ingress, we also consider the Works needed to be carried out urgently, which would be hampered if the Applicant had carried out statutory consultation.
28. In the circumstances, and in light of the decision in *Daejan*, we are satisfied that it is reasonable to grant dispensation from the consultation requirements.
29. We should make it clear that we are not making any findings as to the reasonableness, the cost, or the standard of the Works.

**Name:** Judge Tueje

**Date:** 5<sup>th</sup> February 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).