



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

**Case reference** : LON/00AG/LDC/2025/0919

**Property** : 55 Great Cumberland Place, London,  
W1H 7DT

**Applicant** : The Portman Estates Nominees (One)  
Ltd and Portman Estate Nominees  
(Two) Ltd

**Representative** : James Andrew Residential (Donna  
Kelly)

**Respondent** : The Residents of 55 Great Cumberland  
Place, London W1H 7DT

**Type of application** : For dispensation from statutory  
consultation - Section 20ZA Landlord  
and Tenant Act 1985

**Tribunal  
member(s)** : Mr O Dowty MRICS

**Date of  
determination** : 5 February 2026

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**DECISION**

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**Decision of the Tribunal**

I grant the application for dispensation from statutory consultation in respect of the qualifying works.

**The application**

1. The applicant is the freeholder of the property. The property is a grade II listed block of 7 flats over 5 floors located on Great Cumberland Place near to its junction with George Street.
2. The application, dated 22 October 2025, seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“The Act”)

dispensing with statutory consultation in respect of qualifying works. At the time of that application, those works were to be carried out in 4 weeks time; and have presumably therefore already been carried out now.

3. Directions were issued by the Tribunal on 3 December 2025. Amongst other things, those directions provided that the applicant was to serve copies of the application form and the Tribunal's directions upon the respondents, to display a copy of the Tribunal's directions in the common parts of the property and to provide any replies to the Tribunal's directions received by them from the respondents (or confirm that there was none).
4. The applicant confirmed, in an email dated 9 December 2025 from Donna Kelly (the applicant's representative), that the documents referred to in the Tribunal's directions had been served upon the respondents and displayed at the property. In their bundle, as directed, the applicant also provided confirmation that the applicant had not received any objections to the application from the respondents. Similarly, the Tribunal has not received any reply forms (which were provided for in the directions in this matter) nor any other submissions from any objecting party.
5. The Tribunal considered that a paper determination of the application was appropriate, the applicant indicated that they were content for this to happen in their application and no objections were received from any respondents. I agree, and I have therefore determined this matter on the basis of the papers provided to me without a hearing.
6. I did not inspect the subject property as it was not necessary to do so to determine the present application.

### **The Qualifying Works**

7. The works consisted of the replacement of the cold water storage tank at the property. The reason for the urgency of these works was said to be twofold.
8. First, the works were urgently needed as the existing cold water storage tank was in a poor condition and risked a legionella outbreak developing. A report from Frazer Gollop of Chiltern Water Limited dated 14 May 2025 was provided in the bundle in support of this.
9. Secondly, the applicant sought a quote for the works, which came to over £20,000. However, scaffolding was already in place at the property in

connection with other works – and by instructing the works be carried out quickly they could “save in excess of £10,000”. The applicant provided quotes from PHD mechanical (both dated 1 July 2025) in support of this difference in cost, one providing for scaffolding to a total of £21,114.92 (including VAT) and another excluding scaffolding to a total of £10,914.92 (including VAT).

10. The applicant did not carry out a full consultation, but did provide the leaseholders with a ‘Stage 1’ Notice of Intention concerning the works dated 23 October 2025.

### **Decision and Reasons**

11. Section 20ZA(1) of the Act provides:

*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.*

12. The applicant’s case is that it was necessary to urgently replace a water tank which had been identified as causing a risk from legionella; which is supported by a report in the bundle. I consider that, in and of itself, is clearly a good reason to carry out the works urgently, regardless of any financial benefit from the use of existing scaffolding.
13. No leaseholder or other interested party has indicated their objection to the application at all. It is therefore trite to note that no leaseholder or other interested party has identified any prejudice that might be, or has been, suffered by them as a result of the failure to consult. Similarly, I have not identified any clear prejudice that the leaseholders or any other interested parties have suffered, or might suffer, in the absence of any such representations from them.
14. In light of the above, I consider it reasonable to grant the application for dispensation from statutory consultation. No conditions on the grant of dispensation are appropriate and I therefore make none.
15. This decision does not affect the Tribunal’s jurisdiction upon an application to make a determination under section 27A of the Act in respect of the reasonable and payable costs of the works, should this be disputed by any leaseholder.

**Name:** Mr O Dowty MRICS

**Date:** 5 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).