



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

Case Reference : **CAM/26UE/LDC/2025/0667**

Property : **Furzehill Laboratories, Keystone
Passage and 83-125 (Odd Nos.) Shenley
Road, Borehamwood, WD6 1AG**

Applicant : **Leathbond Limited**

Representative : **Higgs LLP**

Respondents : **Various leaseholders at the Property**

Type of application : **Dispensation with consultation
requirements - Section 20ZA of the
Landlord and Tenant Act 1985**

Tribunal members : **Judge Virginia Lloyd**

Date of decision : **3 March 2026**

DECISION

The tribunal's decision

The tribunal determines under section 20ZA of the Landlord and Tenant Act 1985 to dispense with all the consultation requirements in respect of the installation of a scaffold crash deck to prevent detached fragments and / or panels of concrete cladding to the Property from falling to the pavement below, as described below.

The Applicant shall send a copy of this decision to each of the Respondents within 14 days of the date of this decision.

Reasons for the tribunal's decision

1. The Applicant freeholder applied for dispensation with the statutory consultation requirements in respect of works initially described as the installation of a crash deck to “*catch any falling debris for the protection of tenants, visitors and members of the public*”. Any contributions from the Respondents through the service charge towards the cost of these works would be limited to £250 unless the statutory consultation requirements, prescribed by section 20 of the Landlord and Tenant Act 1985 (the “**1985 Act**”) and the Service Charges (Consultation etc) (England) Regulations 2003, were complied with or are dispensed with by the tribunal.
2. The Applicant seeks such dispensation from the tribunal, under section 20ZA of the 1985 Act. The tribunal has jurisdiction to grant such dispensation if satisfied that it is reasonable to do so. In this application, the only issue for the tribunal is whether it is satisfied that it is reasonable to dispense with the consultation requirements. This application does not concern any issue of whether any service charges for the costs of the works will be reasonable or payable.

Background

3. In their application form dated 25 July 2025, the Applicant stated that the relevant works were originally instructed following a report that the concrete cladding had been determined to be cracking and at risk of falling, presenting a severe health and safety risk. The Applicant obtained quotes for the installation of a crash deck from three contractors on an urgent basis with the aim of obtaining a cost-effective option with a high quality of work. The Applicant proceeded with the lowest estimate which was provided by Korus Projects. The Applicant informed the tribunal that a delay created by engaging in the consultation process would have created an unacceptable hazard. The relevant works had not commenced as of 25 July 2025 as the Applicant was awaiting a licence from the local authority to carry out the works which was expected by 12 August 2025.
4. On 19 January 2026, the tribunal gave case management directions for these dispensation proceedings. The directions required the Applicant to (amongst other things) write to each of the Respondent leaseholders with copies of the application form and details (including a clear description, and an estimate of the costs, of the relevant works), any other evidence relied upon and the directions. The Applicant confirms they did so on 23 January 2026, in accordance with the directions.
5. In their correspondence to the Respondent leaseholders dated 23 January 2026, the Applicant described the relevant works as cladding of the premises, which required remediation due to its age. They stated that “*it became apparent on inspection that sections of the cladding were at risk of falling off the Premises, which presented a significant health and safety risk to all of the residents as well as visitors and customers to the*

shops. As a result the Landlord made the emergency decision to install a crash deck, which would catch any falling debris to prevent injury.”

6. The Applicant stated that it urgently obtained three quotes for the works in order to ensure a cost-effective contractor for the leaseholders and then proceeded with the lowest estimate in the sum of £94,250 plus VAT.
7. The directions noted above required any person who opposed the application to respond by 9 February 2026, giving a reply form for them to use. The directions provided that, unless any party requested a hearing or the tribunal decided a hearing was necessary, the tribunal would decide the matter based on the papers produced by the parties, without a hearing. The Applicant confirmed that no reply forms from any of the Respondents had been received by the Applicant’s representative.
8. In the circumstances, I treat the application as unopposed and, under rule 31(3) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the parties are taken to have consented to this matter being determined without a hearing. This determination is based on the documents in the bundle prepared by the Applicant in accordance with the case management directions. On reviewing these documents, I considered that a hearing was not necessary.

Review

9. The documents in the bundle include the statement of Alex Oswald, a Chartered Building Surveyor of Loudwater Building Consultancy Limited (“Loudwater”), together with an exhibit of the cladding inspection report prepared by Clad Tech Associates following their inspections on 8 and 15 June 2025. The report recommended the following:
 - a. *“In our opinion the current condition of the various cladding elements inspected presents a health and safety risk to members of the public walking below and to the property in the private car park to the rear of the premises.*
 - b. *It is our opinion that intervention measures should be put in place to prevent detached fragments and/or panels from falling to the pavement below in the interim before cladding is replaced.”*
10. The inspection had been instructed after a piece of stone cornice detail had detached from the Property and fallen to the pavement in early 2025. Clad Tech Associates had recommended that a crash deck be urgently installed to catch any further falling concrete and / or cladding due to the risk of harm to members of the public.
11. Mr Oswald confirmed that in the interim, on 1 July 2025, barriers had been placed as a short-term safety measure to cordon off the areas below the concrete panels. Loudwater had been instructed to obtain estimates for the costs and timescales of installing the crash deck from three

contractors. The Applicant instructed Korus Projects on 10 July 2025 which provided the lowest estimate in the sum of £94,250 plus VAT. Korus Projects then submitted the scaffold crash deck licence application to the local authority on 15 July 2025.

12. The documents in the bundle also include the letter to the Respondent leaseholders dated 23 January 2026 as referred to above. The Applicant informed the Respondent leaseholders that it had “*made an application to the Tribunal on 1 August 2025 for dispensation from the consultation requirements in relation to the crash deck only, on the basis of the urgency of the works*” and that “*the crash deck was installed last year*”.
13. This application was not opposed by the Respondents, who have not challenged the information provided by the Applicant, identified any prejudice they might suffer because of the non-compliance with the consultation requirements, given any other reasons why dispensation should not be granted or in these proceedings asked for or provided any other information. In the circumstances, based on the information provided by the Applicant (as summarised above), I am satisfied that it is reasonable to dispense with the statutory consultation requirements in relation to the relevant works.
14. As noted above, this decision does not determine whether the cost of these works is reasonable or payable as service charges under the leases, only whether the consultation requirements should be dispensed with in respect of them.
15. The tribunal determines under section 20ZA of the 1985 Act to dispense with all the consultation requirements in respect of the works, as described above.
16. There was no application to the tribunal for an order under section 20C of the 1985 Act.

Name: Judge V. Lloyd

Date: 3 March 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).