



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

Case reference : **LON/00AY/LDC/2025/0958**

Property : **1-82 Kelvedon House, London SW8
2DN/SW8 2DW**

Applicant : **The Mayor & Burgesses of the London
Borough of Lambeth**

Representative : **Home Ownership Services**

Respondents : **The leaseholders as per the application**

Representative : **N/A**

Type of application : **Dispensation for consultation – s.20ZA
of the Landlord and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **10 March 2026**

DECISION

Decisions of the tribunal

- (1) The tribunal grants the applicant the dispensation from statutory consultation sought, in respect of the installation of three gas boilers and associated equipment/works at a cost in the region of £57,983.31.
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The application

1. The applicant seeks dispensation from consultation pursuant to s.20ZA of the Landlord and Tenant Act 1985 in respect of the installation of three gas boilers and associated equipment at a cost in the region of £57,983.31 (£830 per leaseholder approx.).

The background

2. The building is a purpose-built 20-storey tower block of 82, 2-3 bedroom flats, 17 of which are held on long leases. Heating and hot water is provided by a communal boiler system in the form of 8 (obsolete) boilers.
3. The works were said to be urgent because the applicant was notified by its contractors T Brown Group on 30 September 2025, that all eight communal boilers serving the block had reached the point of operational failure, resulting in a loss of heating and hot water to all properties supplied by the communal system and no further temporary repairs were possible.
4. Due to the urgent nature of the works the applicant arranged installation of three new commercial gas boilers and associated equipment to ensure a stable supply of heating and hot water. The works were completed on or about 3 October 2025
5. Statutory consultation was not carried out although the applicant wrote to all leaseholders on 17 November 2025, explaining why the works were required, what their estimated contribution was expected to be and informing them that the applicant would be making this application.
6. On 15 January 2026, the applicant informed the tribunal that the leaseholders were provided with a copy of this application and accompanying documents as well as the tribunal's directions dated 8 January 2026. In addition, the respondent confirmed that all documents were placed in a prominent place in the subject building on 14 January 2026.

The hearing

7. Neither party requested an oral hearing and therefore the tribunal determined the application using the 60 page digital bundle provided by the applicant. This contained the applicant's written submissions as to why dispensation from consultation should be granted by the tribunal.
8. No objections to the application were received from the respondents by the tribunal.

The decision

9. The tribunal is satisfied that the installation of the boilers and associated works were urgently required due to the likelihood of their imminent failure. The tribunal is also satisfied the respondents have not objected to the application and therefore have failed to show they have been caused any substantial prejudice by the absence of any statutory consultation prior to the works being carried out; *Daejan Investments Ltd v Benson & others* [2011] EWCA Civ 38.
10. Therefore, the tribunal grants the dispensation from consultation sought by the applicant in respect of the installation of three gas boilers and associated equipment at a cost in the region of £57,983.31.

Name:

Judge Tagliavini

Date: 10 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 should be made on Form RP PTA available at

<https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).