



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

Case reference : **LON/00AX/LDC/2025/0747**

Property : **32 - 34 Richmond Road, Kingston,
KT2 5ED**

Applicant : **Joe Wilson**

Representative : **HML PM Limited**

Respondents : **The leaseholders named on the schedule
attached to the application.**

Representative : **N/A**

Type of application : **Dispensation pursuant to Section 20ZA
of the Landlord and Tenant Act 1985**

Tribunal members : **Ms S Beckwith MRICS**

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

Date of decision : **4 August 2025**

DECISION

Decision of the tribunal

1. The Tribunal determines to exercise its discretion to dispense with the consultation requirements provided by Section 20 of the Landlord and Tenant Act 1985.

The application

2. HML PM Limited applied on behalf of the Applicant on 22 May 2025 under Section 20ZA of the Landlord and Tenant Act 1985 (the Act), for dispensation from the consultation requirements provided for by Section 20 of the Act.
3. The application indicated that the subject of the dispensation application was the replacement of the Automatic Opening Vent (AOV) system at the Property.
4. The application explained that the reason that dispensation was sought was because the system needed to be urgently replaced as it is critical to residents' safety.

Procedure

5. The Tribunal issued directions on 20 June 2025.
6. In those directions the Tribunal determined that the matter be determined on the basis of the papers provided during the week commencing 4 August 2025.
7. The directions gave an opportunity for the Respondents to request a hearing. No hearing was requested so the matter has proceeded based on the papers provided for the Tribunal.
8. The directions also provided an opportunity for the Respondents to provide a statement objecting to the application. No responses were sent directly to the Tribunal.

Determination

The background

9. The property is a 2007 purpose-built development containing 30 flats and 1 commercial unit. The Applicant is the Landlord.
10. The evidence and submissions of the Applicant are as follows:

- (i) The application is for an unconditional dispensation of part or all of the consultation requirements prescribed under Section 20 of the Landlord and Tenant Act 1985 in relation to the Qualifying Works to replace the Automatic Opening Vent system.
 - (ii) A Fire Safety Audit with the London Fire Brigade took place on 11 June 2025 and required that the works be instructed by the end of July.
 - (iii) Quotations for £16,550 +VAT in respect of works to two shafts and £11,625 +VAT to supply and install the AOVs.
11. The Applicant was several days late in notifying the Respondents and placing the notification in the common parts as set out in the Tribunal directions, due to these having been received whilst the person responsible was on holiday. The Applicant informed the Tribunal in an email dated 3 July 2025, that the application had been circulated to all leaseholders via email. The application was also displayed on the notice board of the property from 9 July 2025. Correspondence shows that Respondents were aware of the application and able to raise any observations prior to the papers being submitted to the Tribunal.
12. Within the papers the Applicant has included one chain of correspondence from a leaseholder identified as “YC”. HML PM Limited requested that YC complete the standard reply form included within the directions, but this does not appear in the papers and was not received directly by the Tribunal.
13. YC’s correspondence suggests that the building is only five storeys in height. HML PM Limited’s response confirms the building has been verified as seven storeys by their Health and Safety team.
14. YC also confirms that they have not received an initial Section 20 notice in respect of the works. HML PM Limited confirm that this was sent through their online portal, but YC may not have had access.

The Law

15. The Tribunal is being asked to exercise its discretion under Section 20ZA of the Act. The wording of Section 20ZA, subsection (1) provides:

‘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 agreements, the tribunal may make the determination

if satisfied that it is reasonable to dispense with the requirements' (emphasis added).

16. The Supreme Court in the case of *Daejan Investments Ltd v Benson* [2013] UKSC 14 (Daejan) is the leading authority on how the statutory provisions are to be interpreted.

The Tribunal's decision

17. The Tribunal determines to grant the application.

Reasons for the Tribunal's decision

18. The statement from the Applicant explains the reasons the works need to be actioned quickly without the time afforded by a full Section 20 consultation.
19. The issues raised in correspondence by a leaseholder relate to:
- a) The height of the building. This has not affected the Directions issued by the Tribunal and would not affect the outcome of this decision.
 - b) The service of an initial Section 20 notice. The correspondence between the Applicant's representative and leaseholder does not contain enough information to determine whether the initial Section 20 notice was validly served, however, the service of an initial Section 20 notice is not a requirement of the grant of dispensation under Section 20ZA.
20. Neither issue therefore has a bearing on this decision. No evidence has been presented on any prejudice that would be suffered by the Respondents should dispensation be granted.
21. The Tribunal therefore determines that it is reasonable to grant the application sought.
- 22. Both parties should note that this determination does not concern the issue of whether the service charge costs demanded in connection with the replacement of the Automated Opening Vent system are reasonable or indeed payable. The Respondents are able, if it appears to them to be appropriate, to make an application under Section 27A of the Landlord and Tenant Act 1985 as to reasonableness and payability.**

Name: S Beckwith

Date: 4 August 2025

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).