FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	**LON/00AH/LDC/2025/0977**
Property	:	**12 Glossop Road, South Croydon, Surrey CR2 0PU**
Applicant	:	**Southern Land Securities Limited**
Representative	:	**Mariah Akram of Together Property**
Respondents	:	**(1) Simply Dwellings Limited** **(2) Mr Adebayo Oniwinde** **(3) Mr Igor Grigoryev** **(4) Miss Julie Elliott**
Representative	:	
Type of Application	:	**To dispense with the requirement to consult lessees about major works Section 20ZA of the Landlord and Tenant Act 1985 ("1985 Act")**
Tribunal Member(s)	:	**Judge Tildesley OBE**
Date and Venue of Hearing	:	**Determination on Papers**
Date of Decision	:	**2 April 2026**

DECISION

The Application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.

2. The property is a converted 1920's semi-detached building constructed over ground and first floors with further accommodation within the roof space. The Application names four leaseholders for the property which suggests that there are four flats within the property.

3. The Applicant said that on the 22 November 2024, Ms Elliott a leaseholder reported damp ingress within the property, the cause of which was initially unclear. The Applicant appointed an independent surveyor to attend and provide a damp survey report. Following receipt of this report, the Applicant instructed Beck Roofing and Building to inspect and provide a quotation for the necessary external remedial works, as the brickwork, rendering and drainage required repair. Their quotation of £3,000 exceeded the Section 20 threshold.

4. The Applicant stated that the leaseholder subsequently instructed her own surveyor to undertake a separate damp survey. The Applicant then obtained a second quotation from Calcor Building Contractors which was £5,520.00. As both quotations were above the statutory Section 20 threshold, the leaseholder was notified accordingly. The leaseholder confirmed that the works were urgent and could not wait the Section 20 process. Hence, the Applicant agreed to make an application to the First-tier Tribunal for dispensation from consultation. The Applicant advised that all leaseholders were informed about the works and that a retrospective application for dispensation would be submitted to the Tribunal.

5. The Applicant instructed Beck Roofing and Building Ltd to carry out the works in accordance with its quotation of £3,000.00. The works were completed on 27 April 2025. The Applicant informed the leaseholders about the action taken and no objections were received from the leaseholders.

6. The Applicant requests retrospective dispensation from consultation in respect of the works to remedy the water ingress to the property. The detail of the works is specified in the quotation from Beck Roofing and Building Ltd dated 8 December 2024.

7. The Application for dispensation was originally sent to the Southern Region on 24 August 2025 and transferred to the London Region on 26 August 2025. The Applicant paid the application fee on 18 December 2025.

8. On 6 February 2026 the Tribunal issued directions to the parties.

9. The Tribunal required the leaseholders who opposed the Application to return a pro-forma to the Tribunal and the Applicant by 20 February 2026 stating their reasons for opposing the Application. No leaseholder returned a pro-forma stating his/her opposition to the Tribunal and the Applicant.

10. The Tribunal required the Applicant to provide the Tribunal and leaseholders with a bundle of documents by 9 March 2026. The Tribunal did not receive the bundle until 27 March 2026. The Applicant's accompanying email stated that that the directions together with a copy of the application were served on the Respondents.

11. The Tribunal directed that the Application would be dealt with on the papers during the seven days commencing 30 March 2026 unless a party requested a hearing. No party requested a hearing.

12. The Tribunal decided to proceed to determine the Application on the papers despite the late delivery of the bundle. The Tribunal was satisfied that the leaseholders were aware of the Application and that they had been given an opportunity to object to the Application in good time.

Determination

13. The 1985 Act provides leaseholders with safeguards in respect of the recovery of the landlord's costs in connection with qualifying works. Section 19 ensures that the landlord can only recover those costs that are reasonably incurred on works that are carried out to a reasonable standard. Section 20 requires the landlord to consult with leaseholders in a prescribed manner about the qualifying works. If the landlord fails to do this, a leaseholder's contribution is limited to £250, unless the Tribunal dispenses with the requirement to consult.

14. In this case the Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works under section 20ZA of the 1985 Act. The Tribunal is not making a determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

15. Section 20ZA does not elaborate on the circumstances in which it might be reasonable to dispense with the consultation requirements. On the face of the wording, the Tribunal is given a broad discretion on whether to grant or refuse dispensation. The discretion, however, must be exercised in the context of the legal safeguards given to the Applicant under sections 19 and 20 of the 1985 Act. This was the conclusion of the Supreme Court in *Daejan Investments Ltd v Benson and Others* [2013] UKSC 14 & 54 which decided that the Tribunal should focus on the issue of prejudice to the tenant in respect of the statutory safeguards.

16. Lord Neuberger in *Daejan* said at paragraph 44

> "Given that the purpose of the Requirements is to ensure that the tenants are protected from (i) paying for inappropriate works or (ii) paying more than would be appropriate, it seems to me that the issue on which the LVT should focus when entertaining an application by a landlord under s 20ZA(1) must be the extent, if any, to which the tenants were prejudiced in either respect by the failure of the landlord to comply with the Requirements".

17. Thus, the correct approach to an application for dispensation is for the Tribunal to decide whether and if so to what extent the leaseholders would suffer relevant prejudice if unconditional dispensation was granted. The factual burden is on the leaseholders to identify any relevant prejudice which they claim they might have suffered. If the leaseholders show a creditable case for prejudice, the Tribunal should look to the landlord to rebut it, failing which it should, in the absence of good reason to the contrary, require the landlord to reduce the amount claimed as service charges to compensate the leaseholders fully for that prejudice.

18. The Tribunal now turns to the facts. The Applicant had decided after consulting with the leaseholders to carry out the works as a matter of urgency and to apply for retrospective dispensation. The Tribunal is satisfied that the works were urgent, and that if the statutory consultation had been undertaken it would have had a detrimental effect on the leaseholder's enjoyment of her property. The leaseholder reported that the water ingress was causing damage to the sub-floors of her property especially the bathroom, and that it was not safe to use the bath. The Applicant took steps to protect the interests of the leaseholders by obtaining a survey and two quotations for the works. The Applicant chose the lowest tender and kept the leaseholders fully informed of its intentions. The Tribunal notes that no leaseholder objected to the Application.

19. The Tribunal is, therefore, satisfied on the above facts that the leaseholders would suffer no relevant prejudice if dispensation from consultation was granted.

Decision

20. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the works to remedy the water ingress to the property.**

21. The Tribunal directs the Applicant to inform the leaseholders of the Tribunal's decision and to display the written decision on a noticeboard in the common areas.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.