



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

Case reference : **LON/00AE/LDC/2025/0988**

Property : **18 Winchester Avenue, London, NW6
7TU**

Applicant : **Leopold Prinz zu Salm-Horstmar**

Respondent : **(1) Mohamed Chebaro
(2) Matthew Wheeler
(3) Gemma Ward
(4) Tia Prinzessin zu Salm-
Horstmar**

Type of application : **For the dispensation from the
consultation requirements required by
section 20 of the Landlord and Tenant
Act 1985**

Tribunal members : **Judge Hussein-Venn
Judge Daley**

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

Date of decision : **8 April 2026**

DECISION

Decisions of the tribunal

- (1) The Tribunal determines to exercise its discretion to dispense with the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.

The application

1. The Applicant (leaseholder and freehold owner of the property), applied on 11 December 2025 under section 20ZA for dispensation from the consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003. The Tribunal had before it a bundle of 74 pages as well as all correspondence between the Applicant and the Tribunal prior to the hearing of this application.
2. The dispensation from statutory consultation requirements relates to the replacement of a flat roof and associated/additional roof works at the property. The estimated cost of the works is £5,300 for the replacement flat roof and £4,085 for the associated/additional roof works.

Procedure

3. The Tribunal issued directions on 18 February 2026. In those directions it was decided that the application the matter should be determined on the basis of written representations and without an oral hearing.
4. The Directions gave an opportunity for any party to request an oral hearing. They also gave an opportunity for any leaseholder who wishes to oppose the application from the landlord to provide a statement to the Tribunal setting out his or her reasons for so doing. No request for an oral hearing was received nor were any objections received in relation to the application.
5. The Applicant has provided the Tribunal with confirmation that it has served a copy of its application on each Respondent by email in accordance with the Directions of Judge Moate dated 18 February 2026.

Determination

The Evidence

6. The evidence before the Tribunal indicates as follows:
 - a. In November 2025 it was reported by the tenants of the first/second floor rear flat to the Third Respondent that the ceiling in the living room

had collapsed with the flat roof above it identified as the source of water ingress as the cause. Water was reported to be continuing to enter the property causing an immediate risk of further structural damage to the building and occupants. As such urgent repair was required.

b. In 2023 documented discussions took place between all of the freeholders, namely the Applicant, the second, third and fourth Respondents about the general need for the replacement of the flat roof and associated works. Three quotations were obtained but a unanimous decision could not be reached about the identity of the contractor to be appointed. The Applicant states that other priorities then arose in 2024 including essential fire safety work, and as such the matter of the flat roof was not pursued further.

c. Following the collapse of the roof in November 2025, the Applicant appointed one of the three contractors to complete the work, namely Golden Roofing. A quotation was previously obtained from Golden Roofing in 2023 in respect of the work required to the flat roof at the time. The Applicant states that this contractor was preferred by him and the third and fourth Respondents but not the second Respondent who favoured a quotation from Reian Construction Ltd, for roughly £100 more than that quoted by Golden Roofing.

d. Once the works commenced it was determined that additional works were required to the associated works previously quoted for to include the replacement of loose ridge tiles at an additional cost of £685. The quotation for the associated works was also increased by £520 from that quoted for in 2023 by Golden Roofing. It was felt that conducting works to the roof and the associated works at the same time was cost effective since both required the erection of scaffolding which would have resulted in additional expense, if erected and dismantled more than once.

e. The work was conducted and concluded by Golden Roofing accordingly at an apparent total cost of around £9,385. The Applicant maintains the works required were urgent given the damage and ongoing water ingress to the first/second floor rear flat and the fabric of the building more generally. It is on this basis that the Applicant has made the application for dispensation.

The Law

6. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs. (1) provides:
7. "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 agreement, the tribunal may make the determination **if satisfied that**

it is reasonable to dispense with the requirements" (emphasis added).

8. In *Daejan Investments Ltd v Benson* [2013] UKSC 14, the Supreme Court, determined that the question to be asked when deciding whether to grant dispensation under s 20(1)(b) of the Act is whether doing so meant the parties ordinarily entitled to be consulted would suffer any relevant prejudice, and, if so, what relevant prejudice, as a result of the failure, if the s 20(1)(b) dispensation was granted unconditionally.

The Tribunal's decision

9. The Tribunal determines to grant the application.

The reasons for the Tribunal's decision

10. The Tribunal is satisfied the Respondents were each served with the application made by the Applicant and that the third and fourth Respondents (also freeholders) support and consent to it.
11. In the absence of any objections or evidence from the first and second Respondents, the Tribunal is satisfied that it is reasonable to dispense with the requirements of consultation requirements contained in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements) England) Regulations 2003.
12. The Respondents have not supplied any evidence or submissions to demonstrate the dispensation is unreasonable nor that they have suffered any relevant prejudice in the consultation requirements being dispensed with. The Tribunal is satisfied that the roofing works themselves have been conducted £100 under the price quoted by Reian Construction Ltd in 2023 which further supports the absence of prejudice.
13. The Tribunal accepts the works were necessary and urgent and that any delay would likely have resulted in additional costs to the Respondents.
14. The Tribunal accepts it was cost effective for the associated works to be conducted to the roof at the same time as the main roofing works and therefore that dispensation of the consultation requirements is appropriate.

The parties should note that this determination does not concern the issue of whether any service charge costs will be reasonable or indeed payable. The Respondents are able, if it appears to them to be appropriate, to make an application under s.27A of the Landlord and Tenant Act 1985 as to reasonableness and payability.

Signed: Judge Hussein-Venn

Dated 8th April 2026