



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

Case Reference : **Lon/00AZ/LDC/2025/0976**

Property : **Grasmere Court Westwood Hill London
SE26 6NW**

Applicant : **Grasmere Court (Sydenham)
Management Company Limited**

Representative : **Ringley Law LLP**

Respondents : **Leaseholders named on the schedule
attached to the Application.**

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
Ms C Barton MRICS**

**Date and Venue of
Hearing** : **Determination on Papers**

Date of Decision : **22 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 comprises two blocks of flats with a common entrance arranged over four floors consisting of 16 residential units. The property is constructed of brick with an asphalt covered flat roof.
3. The Applicant stated that it was necessary to carry out urgent works to the roof in October 2025 to prevent water ingress to the top floor flats. The Applicant instructed Perlini Property Maintenance as the contractor which provided quotations for two options: Option 1: £76,196 plus VAT; Option 2: £63,960 plus VAT. The difference between the two options appeared to be area of the roof repaired. Perlini advertises itself as “multi award winning specialists in water and damp issues, maintenance and property repair”, and a gives a 25-year guarantee for the flat roofing waterproofing.
4. The Applicant chose option 1 at a discounted price of £70,595 plus VAT making a total of £87,714. The Applicant said that the first phase of the works had been completed. The second phase would be undertaken when the weather improved and there were sufficient funds to pay for the works.
5. The Applicant contended that the urgency of the works meant that there was insufficient time to undertake the statutory consultation under the 1985 Act.
6. The Application for dispensation was dated 13 November 2025.
7. On 3 February 2026 the Tribunal directed the Applicant to serve the application and directions on the leaseholders and display copies of the relevant documents in the common parts of the property. On 20 February 2026 the Applicant confirmed that it had complied with the Tribunal directions.
8. The Tribunal required the leaseholders who opposed the Application to return a pro-forma to the Tribunal and the Applicant by 13 March 2026 stating their reasons for opposing the Application.
9. No leaseholder returned a pro-forma stating his/her opposition to the Tribunal or the Applicant.
10. The Tribunal directed that the Application would be dealt with on the papers during the seven days commencing 20 April 2026 unless a party requested a hearing. No party requested a hearing.

Determination

11. 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.
12. 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.
13. 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.
14. 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”.
15. 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.
16. The Tribunal now turns to the facts. The Applicant explained that it did not have sufficient time to undertake statutory consultation because of

the urgent nature of the repairs to the roof. The Applicant took steps to protect the interests of the leaseholders by instructing a contractor with expertise of water and damp issues and who gave a 25-year guarantee for the water proofing of the roof. The Applicant required the contractor to provide a quotation for the works which was broken down into the various elements. The Applicant was able to negotiate a small discount in the price quoted. The Tribunal notes that no leaseholder objected to the Application for dispensation. The Tribunal considers there is no evidence to support the proposition that the leaseholders would be prejudiced if the Applicant did not consult them about the works to the roof.

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

Decision

18. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the works to the roof.**
19. 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.