



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

Case reference : **LON/00BE/LDC/2026/0026**

Property : **115-117 Queens Road, London SE15 2EZ**

Applicant : **SB Developments (London) Limited**

Representative : **Prime Property Management**

Respondent : **Leaseholders of 115-117 Queens Road**

Representative : **N/A**

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

Tribunal member : **Ms S Beckwith MRICS**

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

Date of decision : **24 April 2026**

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. Prime Property Management applied on behalf of the Applicant on 15 January 2026 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 in relation to roof repair works connected to the failure of OSB boards.
4. The application explained that the reason that dispensation was sought was because there was a high risk of imminent major failure of the OSB boards. A full Section 20 consultation had already been carried out in respect of roof repair works, including covering the roof with EPDM rubber and promenade tiles. During the project, investigation showed that OSB boards were rotten and disintegrating and the structural integrity of the roof surface compromised. Additional works to fix this were therefore identified as urgently required.

Procedure

5. The Tribunal issued directions on 6 March 2026.
6. The directions provided an opportunity for the Respondents to provide a statement objecting to the application. No responses were received by the Tribunal.
7. The directions also gave an opportunity for the Respondents to request a hearing. No hearing was requested so the matter has proceeded based on the papers provided to the Tribunal.
8. The Tribunal has considered the written bundle of 63 pages in support of the application.

Determination

The Background

10. The Property is a block of seven residential apartments, with two commercial units on the ground floor. The Applicant is the Landlord.
11. Section 20 consultation is not required or relevant in connection with non-residential premises and the findings of the Tribunal will not affect commercial occupiers in the Property, as the jurisdiction of the Tribunal does not extend to commercial premises.
12. The evidence and submissions of the Applicant is as follows:
 - i. The application is for an unconditional dispensation from the consultation requirements prescribed under Section 20 of the Landlord and Tenant Act 1985 in relation to additional works to replace failed OSB boards during roof repairs.
 - ii. Correspondence with the leaseholders about the works and confirmation the process directed by the Tribunal has been followed.
 - iii. An invoice from SF Freeholds (London) Limited totalling £1,800, comprising £1,350 for EDPM roofing material and trims and £450 for rotten OSB replacement.
13. No information has been provided to the Tribunal about the total cost of the works or how this would be apportioned between the leaseholders.
14. In accordance with Tribunal directions, the Applicant notified leaseholders of the Section 20ZA application, including how to respond. No responses from leaseholders were received by the Tribunal.

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 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**’.
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 application explains the reasons the works needed to be undertaken in the manner in which they were.
19. No objections were received from leaseholders.
20. The Tribunal therefore determines that it is reasonable to grant the application sought.
21. **Both parties should note that this determination does not concern the issue of whether the service charge costs demanded in connection with the works 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 MRICS

Date: 24 April 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 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).