



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

Case reference : **LON/00AW/LDC/2026/0021**

Property : **47 Cadogan Square, London, SW1X
0HX**

Applicant : **47 Cadogan Square Ltd (landlord)**

Representative : **Anais Dhuez- Estazia Ltd (Property
Manager)**

Respondents : **The leaseholders listed in the
application**

Type of application : **To dispense with the requirement to
consult leaseholders**

Tribunal Member : **Judge N Hawkes**

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

**Date of paper
determination** : **28 April 2026**

DECISION

Decision of the Tribunal

Pursuant to section 20ZA of the Landlord and Tenant Act 1985, the Tribunal grants dispensation from with the statutory requirement to consult leaseholders in respect of the work which forms the subject matter of the Applicant's application dated 19 January 2026.

Background

1. By an application dated 19 January 2026, the Applicant has applied to the Tribunal under section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for dispensation from the consultation requirements contained in section 20 of the 1985 Act in respect of certain qualifying works to 47 Cadogan Square, London, SW1X 0HX ("the Property").
2. The Property is a residential block, built in around 1900, which contains six flats which vary in size from one bedroom to four bedroom apartments. The flats are served by a communal heating system which is situated in the basement of the building. The flats are let to the Respondents on long leases and the Applicant is the Respondents' landlord.
3. The grounds for seeking dispensation are that, on 9 January 2026, the heating supply to the flats failed and a plumber informed the landlord that the communal boiler is worn out, obsolete and that replacement parts are not longer readily available. Although the plumber was able to temporarily reset the system, it contained to fail and required daily maintenance until emergency work was carried out from 13 to 15 January 2026 to replace the pressure unit, fan and expansion vessel. However, the boiler still required replacement and was at risk of failing completely.
4. The landlord has sought to communicate and/or consult with the leaseholders, as far as practicable. The Tribunal has been informed that the following correspondence has been sent out:
 - (1) 9 January 2026: A letter informing the leaseholders that the emergency work to the boiler was needed.
 - (2) 19 January 2026: A letter updating leaseholders and serving a section 20 Notice of Intention in respect of the boiler replacement work.
 - (3) 3 March 2026: A letter to enclosing the Tribunal's Directions and, again, updating leaseholders.
 - (4) 5 March 2026: A Notice of Estimates for the boiler replacement work.
 - (5) 14 April 2026: A Notice giving the landlord's reasons for not choosing a contractor nominated by the leaseholder of Flat 3 who was significantly more expensive than the landlord's usual contractor.
5. Directions of the Tribunal were issued on 27 February 2026 ("the Directions").

6. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements, insofar as is necessary, in respect of the work described in the application. **This decision does not concern the issue of whether any service charge costs will be reasonable or payable.**
7. The Directions included provision that this application would be determined on the papers unless an oral hearing was requested. No request has been made by any party for an oral hearing. This matter has therefore been determined by the Tribunal by way of a paper determination on 28 April 2026.
8. The Tribunal does not consider an inspection of the Property to be necessary or proportionate to the issues in dispute.

The Respondents' case

9. None of the Respondents has submitted a reply form to the Tribunal and/or has made representations to the Tribunal opposing the Applicant's application for dispensation from the statutory consultation requirements.

The Tribunal's determination

10. Section 20 of the 1985 Act provides for the limitation of service charges in the event that statutory consultation requirements are not met.
11. The consultation requirements apply where the works are qualifying works (as is the case in this instance) and only £250 can be recovered from a tenant in respect of such works unless the consultation requirements have either been complied with or dispensed with.
12. The consultation requirements are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003.
13. Section 20ZA of the 1985 Act provides that, where an application is made to the Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements. In determining this application, the Tribunal has considered *Daejan Investments Ltd v Benson* [2013] UKSC 54, [2013] 1 WLR 854.
14. In all the circumstances and having considered:
 - the Applicant's application;

- the evidence filed in support of the application; and
- the fact that none of the Respondents has submitted a reply form to the Tribunal and/or has made representations to the Tribunal opposing the Applicant's application for dispensation from the statutory consultation requirements;

the Tribunal determines, pursuant to section 20ZA of the Landlord and Tenant Act 1985, that it is reasonable to dispense with the statutory consultation requirements in respect of the work which forms the subject matter of this application, insofar as they have not been complied with. The work was urgent because the boiler supplies heating to the Respondent's flats.

15. This decision does not concern the issue of whether any service charge costs will be reasonable or payable.

Name: Judge N Hawkes

Date: 28 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).