



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

**Case Reference** : HAV/43UC/LDC/2026/0028

**Property** : 1-111 Hudson House, Station Approach,  
Epsom, Surrey, KT19 8DL

**Applicant** : Station Approach (Epsom) Management  
Company Limited

**Representative** : Graham Bartholomew Limited

**Respondents** : The Leaseholders

**Representative** : None.

**Type of Application** : To dispense with the requirement to consult  
lessees about major works pursuant to section  
20ZA of the Landlord and Tenant Act 1985

**Tribunal Members** : Mr M E Williams FRICS

**Date of Decision** : 10 May 2026

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**DECISION**

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**The Decision**

1. **The Tribunal grants the application for dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the following works:**

**‘Unplanned installation of a temporary fire alarm system to all flats and common parts after Fairview (developers of Hudson House) had their fire consultants, BB7, carry out a compartmentation survey throughout the building, which highlighted significant deficiencies in the compartmentation throughout the flats and common parts. As a result of this our client on the advice of their own fire consultants, has had to instruct a waking watch patrol at a cost of £6858.40 along with instructing the installation of a temporary alarm system while waiting for Fairview to agree when they will be starting the remedial works to the compartmentation. Fairview are yet to obtain BSR consent for their work to begin. The fire alarm installation was instructed today 05.02.26 on receipt of the quote.’**

2. **The dispensation is granted subject to the two following conditions:**
3. **Firstly, the Applicant serves upon the Respondent a copy of this decision.**
4. **Secondly, the Applicant shall place a copy of the this decision on its website (if any) within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link to both on its home page. It should also be posted in a prominent position in the communal areas. In this way, any leaseholder who has not returned the reply form may view the Tribunal’s decision on dispensation and their appeal rights.**
5. **This dispensation does not affect the Tribunal’s jurisdiction upon any future application from the leaseholders to make a determination under section 27A of the 1985 Act, in respect of the reasonableness and/or cost(s) associated with the qualifying works.**

### **Background and the Application**

6. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) for dispensation from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the works detailed below.
7. The application is dated 16 February 2026.

8. The property is described as:
- ‘Hudson House is a block of 111 flats, including 1, 2 and 3 bedroom properties.
- Built in 2006, the property was a Fairview development.
- Due to its height being 19 meters, the building is an HRB and falls under the BSR.
- Residents are mainly professionals, families and retired professionals.
- There are a number of housing association shared ownership and tenanted properties, along with a large number of buy to let properties.’
9. The Applicant provides a description of the qualifying works, which states the following:
- ‘Unplanned installation of a temporary fire alarm system to all flats and common parts after Fairview (developers of Hudson House) had their fire consultants, BB7, carry out a compartmentation survey throughout the building, which highlighted significant deficiencies in the compartmentation throughout the flats and common parts. As a result of this our client on the advice of their own fire consultants, has had to instruct a waking watch patrol at a cost of £6858.40 along with instructing the installation of a temporary alarm system while waiting for Fairview to agree when they will be starting the remedial works to the compartmentation. Fairview are yet to obtain BSR consent for their work to begin. The fire alarm installation was instructed today 05.02.26 on receipt of the quote.’
10. The Applicant provides a quote for the works from VGI Solutions dated 06 March 2026 which sets out in further details the extent of the works, quotes a total cost (inclusive of VAT) of £173,869.02 to undertake the works.
11. The Applicant sets out what consultation it has, or proposes to be, undertaken in section 6.5 of its application stating:
- ‘No consultation is proposed as the choices are to either continue to pay £6858.40 per week indefinitely while waiting on Fairview, who currently cannot give a date for their compartmentation works to commence, or have a temporary alarm system installed.’
12. The Applicant then goes on to state in Annex 1 regarding proposed consultation, the following:
- ‘Leaseholders are to be invited to join a Teams call with the RMC directors and ourselves to explain the situation. This is to be arranged imminently.’
13. The Applicant states the reasons why it seeks dispensation for all or any of the consultation requirements as:

‘This block runs with a very tight budget and the service charges and management company will rapidly run out of funds if they continue to pay £6858.40 per week indefinitely.

Our client takes their responsibility seriously and had to make a decision due to the seriousness of this matter and genuine risk to the lives of the occupants of all 111 flats, along with making an application for a government grant. Fairview refuse to acknowledge responsibility for the cost of waking watch or fire alarms and our client has no choice other than to instruct the alarms to be installed as a matter of urgency.’

14. The Applicant in Annex 1 of its Applications provides further detail stating:

‘Due to the ongoing and indefinite cost of waking watch, our client has had to instruct the installation of a fire alarm system (system in line with the government grant requires[sic]), in order to cap costs and ensure the safety of residents within all 111 flats. Our client takes their responsibilities within their role of PAP extremely seriously, while at the same time taking into account the budget requirements and lack of endless funds available.’
15. The Tribunal gave Directions (‘the Directions’) on the 23 February 2026 listing the steps to be taken by the parties in preparation for the determination of the application.
16. The Directions, at paragraph 9, stated the Tribunal would determine the application on the papers without a hearing in accordance with Rule 31 of the Tribunal Procedure Rules 2013 unless a party objected in writing to the Tribunal within 7 days of the receipt of these Directions.
17. **The only issue for the Tribunal is whether or not it is reasonable for the Applicant to have dispensed with the statutory consultation requirements. This application is neither about the costs of the works carried out to date, nor is it about the costs of the proposed works and whether they are recoverable from the leaseholders as services charges, nor the possible application or effect of the Building Safety Act 2022. The leaseholders have the right to make a separate application to the Tribunal under section 27A of the 1985 Act to determine the reasonableness of the costs, and their respective contributions payable through the service charge provisions in their leases.**

## **The Law**

18. Section 20 of the 1985 Act and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease per 12 month period, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum per annum unless the required consultation processes have been undertaken or the requirement has been dispensed with by the Tribunal. An application to the Tribunal may be made retrospectively.

19. The relevant section of the 1985 Act reads as follows:

S.20 ZA (1) Consultation requirements: supplementary  
Where an application is made to [the appropriate 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.

20. In *Daejan Investments Limited v Benson and Others* [2013] UKSC 14, the Supreme Court set out certain principles relevant to section 20ZA. Lord Neuberger, having clarified that the purpose of sections 19 to 20ZA of the 1985 Act was to ensure that tenants are protected from paying for inappropriate works and paying more than would be appropriate, went on to state “*it seems to me that the issue on which the [tribunal] should focus when entertaining an application by a landlord under section 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*”.
21. Furthermore, and following *Daejan v Benson*, the Tribunal has power to grant dispensation on terms.

### **Consideration and Decision**

22. The Tribunal first considered whether it felt able to decide this application reasonably and fairly based on the papers submitted only, with no oral hearing. Having read and considered the papers and given that the application remained unchallenged the Tribunal decided it could do so.
23. The Directions of 27 February 2026 state, at paragraph 14, ‘The application shall stand as the Applicant’s case’.
24. In its application, the Applicant states the case is appropriate to be dealt with without a hearing (a paper determination).
25. The Directions attached a reply form for the Respondents with a date for it to have been completed and to have been returned by to the Applicant to confirm whether the Respondents: (1) agreed with the application, or not; and (2) similarly agreed the Tribunal may decide the matter on the basis of written representations only (no hearing), or not.
26. The Directions include provisions in the event the Respondents oppose the application.
27. Thereafter the Directions give the date by which the Applicant is to confirm to the Tribunal that no objections have been received from the Respondents, if applicable, being 10 March 2026.
28. The bundle includes completed forms, confirming no objections, for the leaseholders of 60, 75, 110 & 111.

29. The leaseholder of 16 whilst agreeing in part, raised three queries relating to the proposal:
- The application does not explain why a temporary fire alarm installation is the chosen course of action in lieu of action by the developers.
  - Why temporary and not permanent?
  - I have also not yet been informed of quotes for this work other than the one proposed.
30. The Applicant responded to these by email, dated 16 March 2026.
31. The Tribunal received no responses from the remaining leaseholders. Furthermore, we are informed by the applicant in their email of the 16 March 2026 that they received no objections.
32. The bundle includes a copy of the tripartite lease for 68 Hudson House, Station Approach, Epsom, Surrey, KT19 8DL. The lease term commences on 24 June 2006 and expires on 23 June 2131.
33. The lessee covenants to, in clause 3(5)(a):
- ‘Contribute and pay on demand the proportionate part set out in paragraph (i) of Part V of the Schedule hereto of all costs charges and expenses from time to time incurred or to be incurred by the Company in performing and carrying out the obligations and each of them under Part IV ...’
34. The Lessee proportion of these costs is dealt with in clause (i) of Part V of the Schedule being:
- ‘The proportionate part mentioned in Clause 3(5)(a):-  
One Hundred and Eleventh part of the cost of performing all of the services described in Part IV of the Schedule hereto’
35. Part IV of the Schedule of the lease deals with service charge expenses and notably at clause 8 states:
- ‘The Company will do and execute or cause to be done and executed all such works as under or by virtue of any Act or Acts of Parliament for the time being in force or any regulations or orders made pursuant thereto and whether directed by any Government Local Statutory or Sanitary Authority or other body howsoever are or shall be directed or necessary to be done or executed upon or in respect of the Estate or any part thereof other than the Property (whether by the owner landlord lessee tenant or occupiers thereof) and at all times keep the Lessor indemnified against all claims demands and liabilities in respect thereof’
36. The reasons why dispensation from the consultation requirements of the 1985 Act is sought by the Applicant is:

‘Due to the ongoing and indefinite cost of waking watch, our client has had to instruct the installation of a fire alarm system (system in line with the government grant requires[sic]), in order to cap costs and ensure the safety of residents within all 111 flats. Our client takes their responsibilities within their role of PAP extremely seriously, while at the same time taking into account the budget requirements and lack of endless funds available.’

37. The fire alarm system would typically require a Section 20 consultation due to the cost of the system. However, due to concerns around the ongoing cost of waking watch and the matter relating to ‘fire and life safety’ the Applicant has characterised this matter as urgent and instructed the installation of the system on 05 February 2026.
38. The Tribunal finds that nothing different would be done or achieved in the event of a full consultation with the Lessees, except for the potential delay and additional costs relating to continued waking watch.
39. The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.
40. Taking all the above into consideration and no objections to the application having been received from the respondents, coupled with none of the same having asserted that any prejudice would be caused to them, the Tribunal consequently finds that it is reasonable for the Applicant to have dispensed with the consultation requirements under the 1985 Act relating solely to the works described in paragraph 9 above.
41. Thus, the Tribunal grants the application from Station Approach (Epsom) Management Company Limited dated 16 February 2026 for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same.
42. The dispensation is granted subject to the two following conditions:
43. Firstly, the Applicant serves upon the Respondents a copy of this decision.
44. Secondly, the Applicant shall place a copy of the this decision on its website (if any) within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link to it on its home page. It should also be posted in a prominent position in the communal areas. In this way, any leaseholder who has not returned the reply form may view the Tribunal’s decision on dispensation and their appeal rights.

## **RIGHTS OF APPEAL**

45. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) to the First-tier Tribunal at the Regional office which has been dealing with the case. All communications must clearly state the Case Number and the address(s) of the premises.
46. 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.
47. If the person wishing to appeal does not comply with the 28 days' 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 days' time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
48. 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.