



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

<b>Case Reference</b>	:	<b>LON/00BG/LDC/2025/0821</b>
<b>Property</b>	:	<b>Flats 1-6 Devonshire House, 216 Westferry Road, Isle of Dogs, London E14 3SA</b>
<b>Applicant</b>	:	<b>Devonshire House Freehold Management Company Limited</b>
<b>Respondents</b>	:	<b>The Leaseholders at Devonshire House</b>
<b>Type of application</b>	:	<b>Dispensation from statutory consultant requirements</b>
<b>Tribunal Member</b>	:	<b>Mrs S Phillips MRICS</b>
<b>Date of Decision</b>	:	<b>19 May 2026</b>

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**DECISION**

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**The Tribunal grants the application for dispensation from statutory consultation in respect of the subject works, namely roof repair works at the Property.**

**The applicant should place a copy of this decision together with an explanation of the leaseholders' appeal rights on its website (if any) within seven days of receipt and maintain it there for at least three months, with a sufficiently prominent link to both on its home page. It should also display copies in a prominent position in the common parts of the Property.**

**This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or the cost of the work.**

## **The Application**

- 1) The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the **Act**”) for dispensation from consultation in respect of works that were required to the roof at the Property due to a leak. The works that were identified and required were:
  - a) Scaffolding set up including handover certificate.
  - b) Repointing ridge tiles where necessary.
  - c) Acrypole applied to gaps on the roof.
  - d) Repoint valley & valley to be acrypole sealed.
- 2) The Service Charges (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any tenant being more than £250. The Applicant states that the cost of the works the subject of the application exceed this threshold. The works total £4,150.00.
- 3) By directions dated 19 November 2025, 10 February 2026 and 27 April 2026 (the “**directions**”) issued by the tribunal, they directed the Applicant to prepare a statement of case, provide reasoning for the application and provide any documentation the Applicant wished to rely upon for the application. The tribunal also directed that the Applicant send each of the leaseholders the application, the tribunal’s directions, the Applicant’s statement of case and display the same in the common parts of the Property, confirming to the tribunal that it had done so. The Applicant confirmed to the tribunal on 10 April 2026 that it had complied with this direction.
- 4) The directions required any leaseholder who opposed, or positively supported, the application that they should tell the tribunal. If they opposed the application, they should send the tribunal and the applicant’s representative a statement responding to the application together with any documents they wished to rely on. The tribunal received no objections from any of the leaseholders.
- 5) The directions provided that the tribunal would decide the matter on the basis of written submissions unless any party requested a hearing. No such request has been made.

## **The Applicant’s case**

- 6) The Applicant (Devonshire House Freehold Management Company Limited) is the right to manage company for the Property. The application explained that only limited consultation had taken place with the leaseholders due to the urgency of the work but that three quotes had been obtained for the works.
- 7) The Applicant advised in their application that the urgency of the works was because the property was experiencing water ingress from the roof that needed to be repaired quickly for the well-being of the residents.
- 8) The Applicant submitted a invoice details from the contractor setting out the works that were undertaken. The Applicant also confirmed that no formal responses had been received from leaseholder on the application.
- 9) At the date of this decision the Tribunal are aware that the works have now been completed.

### **The Respondents' case**

- 10) No objections or submissions were made by the leaseholders.

### **Determination and Reasons**

- 11) Section 20ZA(1) of the Act provides:

*“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.”*

- 12) The whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the tribunal is satisfied that it is reasonable for them to be dispensed with.
- 13) The Tribunal has taken account the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14 in reaching its decision.
- 14) There is no evidence before the tribunal that the Respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements.
- 15) The Tribunal is satisfied that the works were urgent in nature and that in the circumstances it is reasonable to dispense with the consultation requirements.

- 16) Whilst the Applicant is not the landlord, they are the RTM responsible for carrying out works at the Property and managing the Property.
- 17) Whether the works are payable under the terms of the lease, or if the works have been carried out to a reasonable standard or at a reasonable cost are not matters which fall within the jurisdiction of the tribunal in relation to this present application. This decision does not affect the tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness, payability and /or cost of the works.

**Chairman: Mrs S Phillips MRICS**

**Date: 19 May 2026**

### **APPEAL PROVISIONS**

These summary reasons are provided to give the parties an indication as to how the Tribunal made its decision. If either party wishes to appeal this decision, they should first make a request for full reasons and the details of how to appeal will be set out in the full reasons. Any request for full reasons should be made within a month. Any subsequent application for permission to appeal should be made on Form RP PTA.