



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

Case reference : **LON/00BA/LDC/2026/0019**

Property : **Wimbledon Close The Downs London
SW20 8HW**

Applicant : **Brickfield Properties Limited**

Representative : **Kelly Seal of Fladgate LLP**

Respondents : **39 leaseholders of Wimbledon Close,
each identified in the application**

Representative : **N/A**

Type of application : **Dispensation from compliance with
statutory consultation requirements
under s20ZA Landlord and Tenant Act
1985**

Tribunal members : **Judge M Himsworth
Judge S Walker**

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

Date of decision : **21/04/2026**

DECISION

Description of hearing

1. This was a decision on the papers alone, without an oral hearing.

Decision of Tribunal

2. The Tribunal grants unconditional dispensation under section 20ZA of the Landlord and Tenant Act 1985 (the “Act”) from the requirement imposed on the Applicant by section 20 of the Act to consult all leaseholders in respect

of the works to which this application relates, namely the replacement of the lift control system in Block B at Wimbledon Close The Downs London SW20 8HW, (the “Property”).

The Proceedings

3. Directions were made on 25 February 2026 by N. Martindale FRICS for the Applicant to send copies of the application form and copies of the directions to each of the leaseholders, as well as to display the application form and directions prominently at the Property, by 6 March 2026. Any Respondents who opposed the application were directed to send statements in reply to the Applicant and the Tribunal by 16 March 2026, and any party who wished to request a hearing was directed to do so by 18 March 2026.
4. On 14 April 2026 the Applicant’s representative emailed the Tribunal to confirm that copies of the application and directions were posted or emailed to leaseholders on 3 March 2026, and displayed in the Property’s common parts from 5 March 2026.
5. None of the Respondents have indicated any objection to the non-compliance with the statutory consultation requirements. Neither the Applicant nor any of the Respondents requested an inspection of the Property or an oral hearing.

Background

6. The Property is a 4-storey purpose-built 1930s mansion block comprised of a total of 48 flats laid out between three blocks. 39 of the flats are let on long leases, and the landlord retains 9 flats. Access between storeys is via stairs, or by using the single lift in each block.
7. At some point before 5 November 2025 the lift serving Block B at the Property had broken down completely as a result of the failure of its control system. The control system was described as obsolete and irreparable, and in order to restore the lift to working order a new control system had to be fabricated to specification.
8. The quoted cost of the work was £67,998.60: by any calculation the consultation threshold of £250 per leaseholder was exceeded.
9. It was anticipated that pursuing a full section 20 consultation would take several months, and that the bespoke manufacture of the lift controller would then take a further 10 weeks. A number of the residents of the Property are elderly and the Applicant considered that the repair of the lift needed to be completed quickly, to facilitate tenants’ access.

10. The Applicant has provided the Tribunal with a statement of works (Annex 5 in the bundle), which explains what work needed doing to the lift control system and why. The statement of works was sent to the Respondents on 5 November 2025, along with an explanatory letter. On 1 December 2025 the Applicant's representative sent the Respondents details of three quotations which had been obtained to carry out the work, and explained that the work would start in early February 2026 or perhaps earlier. In the event there was some slippage to that timescale.

The law

11. The Tribunal has had regard to:
 - a. Sections 20, 20ZA and 27A Landlord and Tenant Act 1985;
 - b. The Service Charges (Consultation Requirements) (England) Regulations 2003; and
 - c. the Supreme Court decision in Daejan v Benson [2013] UKSC 14 ('Daejan').
12. The Tribunal notes that s20ZA(1) of the Act provides as follows: "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*" (emphasis added).
13. The Tribunal further notes that, as set out in Daejan at paragraph 44, the purpose of the consultation requirements is to protect tenants from paying for inappropriate works and from paying more for them than would be appropriate, and that when entertaining an application by a landlord under section 20ZA the Tribunal should focus on the extent, if any, to which the tenants were or would be prejudiced in either respect by the consultation requirements not being followed.

Reasons

14. The Tribunal has not received any objections to the application from any of the Respondents.
15. In the absence of any request for a hearing this determination is made, pursuant to rule 31(3) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, on the papers which have been provided by the parties.
16. The Tribunal notes that:

- a. the work was required to return the Block B lift to a functioning condition;
 - b. the access of elderly occupants to their flats on the Property's upper floors was contingent on the proper operation of the lift, and the works were therefore urgent;
 - c. a system of works was commissioned and 3 competing quotes for the work obtained;
 - d. none of the leaseholders objected to the application; and
 - e. no prejudice to any of the leaseholders has been identified.
17. In these circumstances the Tribunal determines that it is reasonable to exercise its discretion to dispense with the statutory requirements for consultation.
18. It should be noted that this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness of the works or their cost.

Costs

19. There have been no cost applications.

Judge M Himsworth

Date: 21 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).