



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

Case reference : **LON/00AM/LDC/2026/0068**

Property : **57 Adley Street, Hackney, London E5
0DZ**

Applicants : **Southern Land Securities Limited**

Representative : **Together Property Management**

Respondents : **(1)Mr S CT Kemp Flat A 57 Adley
Street
(2)Ms S Mahanty Ground Floor Flat
57 Adley Street**

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** : **8 June 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 27 February 2026.

Background

1. By an application dated 27 February 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 57 Adley Street, Hackney, London E5 0DZ ("the Property").
2. The Tribunal has been informed that the Property was originally a mid-terraced Victorian house, constructed circa 1890, over ground & first floor which has been converted into two self-contained flats, accessed through a central staircase. The flats are let to the Respondents on long leases and the Applicant is the Respondents' landlord.
3. The grounds for seeking dispensation are as follows:

"We were made aware of a leak into the top floor flat and on investigating the source of the leak it was found that the lead, gutter, and the render parapet has failed and roof works were required to stop the water ingress. Unfortunately, the works were over the section 20 threshold and to minimise any internal damage into the flat it was decided to proceed with the works and to apply to the FTT to dispense from section 20."

4. Directions of the Tribunal were issued on 21 April 2026 ("the Directions").
5. 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.**
6. The Applicant's Statement of Case, filed in accordance with the Directions, provides as follows:

"We write to confirm that there was a report received by the owner of the top-floor flat of a roof leak. Following this notification, we instructed a roofer to attend and carry out an inspection of the affected area. The roofer confirmed that several remedial works were required, including the installation of a new gutter, repairs to the render on the parapet, works to the coping stones, and redressing of the lead. These works were subsequently completed. Since the

completion of these repairs, we have received no further reports of water ingress, and we believe the works have been carried out to a good standard. We also confirm that no objections to the FTT application were received. Should the First-tier Tribunal require any further information, please contact Together Property Management and we will be happy to assist.”

7. The Directions included provision that this application would be determined on the papers unless an oral hearing was requested. No application 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 8 June 2026.
8. The Tribunal did 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 the Applicant's application dated 27 February 2026. The Tribunal is satisfied on the balance of probabilities that it was not practicable to comply with the statutory consultation requirements in this instance.

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

Judge N Hawkes

Date: 8 June 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).