



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

Case Reference : LON/00BK/LDC/2026/0075

Property : 1-12a Gloucester Mansions, 140a
Shaftsbury Avenue, WC2H 8HD

Applicant : Shaftsbury Covent Garden Limited

Representative : Together Property Management Limited

Respondents : Long Leaseholders for 1-12a Gloucester
Mansions named on the schedule
attached to the Application.

Representative :

Type of Application : To dispense with the requirement to
consult lessees about major works
Section 20ZA of the Landlord and
Tenant Act 1985 (“1985 Act”)

**Tribunal
Member(s)** : Judge Tildesley OBE

**Date and Venue of
Hearing** : Determination on Papers

Date of Decision : 23 June 2026

DECISION

The Application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act.
2. The property is a purpose-built block of 13 flats over five floors and constructed during 1889. The ground floor consists of commercial units which currently operate as a fast food retailer.
3. The Applicant states that on 9 December 2025 one of the residents was trapped in the lift as a result of the lift breaking down. The Fire Service and the lift engineers attended the incident. The Applicant decided to progress the repairs to the lift on the 17 December 2025 without the statutory consultation process because of the severe inconvenience to the residents caused by the breakdown and the proximity of the Christmas festive period.
4. The Applicant, however, obtained two quotations for the repairs to the lift; £6,072 and £7,319.12 (VAT exclusive). The Applicant chose the contractor with the lowest quotation which also had a 12 months part only warranty. The Applicant also kept the leaseholders fully informed of the repairs and its intention to apply to the Tribunal for dispensation from the consultation requirements.
5. The Application for dispensation was received by the Tribunal on 10 March 2026.
6. On 11 May 2026 the Tribunal directed the Applicant to serve the application and directions on the leaseholders and display copies of the relevant documents in the common parts of the property. On 20 May 2026 the Applicant confirmed that it had complied with the Tribunal directions.
7. The Tribunal required the leaseholders who opposed the Application to return a pro-forma to the Tribunal and the Applicant by 1 June 2026 stating their reasons for opposing the Application.
8. No leaseholder returned a pro-forma stating his/her opposition to the Tribunal and the Applicant.
9. The Tribunal directed that the Application would be dealt with on the papers during the seven days commencing 22 June 2026 unless a party requested a hearing. No party requested a hearing.
10. The Applicant supplied a hearing bundle.
11. The Tribunal amends the name of the Applicant to Shaftsbury Covent Garden Limited. The directions named Together Property Management Limited as the Applicant rather than as the Applicant's agent.

Determination

12. The 1985 Act provides leaseholders with safeguards in respect of the recovery of the landlord's costs in connection with qualifying works. Section 19 ensures that the landlord can only recover those costs that are reasonably incurred on works that are carried out to a reasonable standard. Section 20 requires the landlord to consult with leaseholders in a prescribed manner about the qualifying works. If the landlord fails to do this, a leaseholder's contribution is limited to £250, unless the Tribunal dispenses with the requirement to consult.
13. In this case the Tribunal's decision is confined to the dispensation from the consultation requirements in respect of the works under section 20ZA of the 1985 Act. The Tribunal is not making a determination on whether the costs of those works are reasonable or payable. If a leaseholder wishes to challenge the reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.
14. Section 20ZA does not elaborate on the circumstances in which it might be reasonable to dispense with the consultation requirements. On the face of the wording, the Tribunal is given a broad discretion on whether to grant or refuse dispensation. The discretion, however, must be exercised in the context of the legal safeguards given to the Applicant under sections 19 and 20 of the 1985 Act. This was the conclusion of the Supreme Court in *Daejan Investments Ltd v Benson and Others* [2013] UKSC 14 & 54 which decided that the Tribunal should focus on the issue of prejudice to the tenant in respect of the statutory safeguards.
15. Lord Neuberger in *Daejan* said at paragraph 44

“Given that the purpose of the Requirements is to ensure that the tenants are protected from (i) paying for inappropriate works or (ii) paying more than would be appropriate, it seems to me that the issue on which the LVT should focus when entertaining an application by a landlord under s 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”.
16. Thus, the correct approach to an application for dispensation is for the Tribunal to decide whether and if so to what extent the leaseholders would suffer relevant prejudice if unconditional dispensation was granted. The factual burden is on the leaseholders to identify any relevant prejudice which they claim they might have suffered. If the leaseholders show a creditable case for prejudice, the Tribunal should look to the landlord to rebut it, failing which it should, in the absence of good reason to the contrary, require the landlord to reduce the amount claimed as service charges to compensate the leaseholders fully for that prejudice.
17. The Tribunal now turns to the facts of this case. The Applicant explained that it did not have sufficient time to undertake statutory consultation

because of the urgent nature of the repairs to the lift. The Applicant took steps to protect the interests of the leaseholders by obtaining two quotations from recognised lifting engineers and choosing the contractor with the lowest quotation. The Applicant also kept the leaseholders informed about the repairs and its intention to apply to the Tribunal for dispensation from the consultation requirements. The Tribunal observes that no leaseholder objected to the Application for dispensation. The Tribunal considers on balance there is no evidence to support the proposition that the leaseholders would be prejudiced if the Applicant did not consult them about the repairs to the lift.

18. The Tribunal is, therefore, satisfied that the leaseholders would suffer no relevant prejudice if unconditional dispensation from consultation was granted.

Decision

19. **The Tribunal, therefore, dispenses with the consultation requirements in respect of the repairs to the lift which took place over a period of five days commencing 17 December 2025.**
20. The Tribunal directs the Applicant to inform the leaseholders of the Tribunal's decision and to display the written decision on a noticeboard in the common areas.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. 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.
3. If the person wishing to appeal does not comply with the 28 day 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 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. 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.