



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

Case reference : **LON/00AH/LDC/2026/0088**

Property : **Rainier Apartments 43 Cherry Orchard Road Croydon CRO 6FA**

Applicant : **Rainier 1 (Croydon) Management Company Limited**

Representative : **none**

Respondent : **The Long Leaseholders of the Property as per list provided with application.**

Representative : **None**

Type of application : **To dispense with the requirements to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985.**

Tribunal members : **R Waterhouse FRICS**

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

Date of decision : **11 August 2026**

DECISION

Summary of the Decision

1. The Applicant is granted 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 in respect of major works, being as out in the application; “the works will include a new wet riser installation in the building following extensive flooding affecting previously installed wet riser plant.”

The application and the history of the case

2. The Application was determined on the papers without a hearing. A hearing was not requested by any party and the Tribunal considered papers that a hearing would be disproportionate.

3. The Applicant applied by an application received 25 February 2026 for dispensation under Section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) from the consultation requirements imposed by Section 20 of the Act in respect the installation of a new wet riser. The quoted cost of the works is said to be £246,040.25 inclusive of VAT.

4. The Applicant states the works are urgent due to the current wet riser being impaired. Further that there has been limited consultation due to the urgency of the works. The Tribunal provided Directions dated 29 May 2026. The Applicant providing a bundle of 221 pages.

The Law

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

6. Section 20ZA provides that on an application to dispense with any or all of the consultation requirements, the Tribunal may make a determination granting such dispensation “if satisfied that it is reasonable to dispense with the requirements”.

7. The appropriate approach to be taken by the Tribunal in the exercise of its discretion was considered by the Supreme Court in the case of Daejan Investment Limited v Benson et al [2013] UKSC 14.

8. The leading judgment of Lord Neuberger explained that a tribunal should focus on the question of whether the lessee will be or had been prejudiced in either paying where that was not appropriate or in paying more than appropriate because the failure of the lessor to comply with the regulations. The requirements were held to give practical effect to those two objectives and were “a means to an end, not an end in themselves”.

9. The factual burden of demonstrating prejudice falls on the lessee. The lessee must identify what would have been said if able to engage in a consultation process. If the lessee advances a credible case for having been prejudiced, the lessor must rebut it. The Tribunal should be sympathetic to the lessee(s).

10. Where the extent, quality and cost of the works were in no way affected by the lessor’s failure to comply, Lord Neuberger said as follows: “I find it hard to see why the dispensation should not be granted (at least in the absence of some

very good reason): in such a case the tenants would be in precisely the position that the legislation intended them to be- i.e. as if the requirements had been complied with.”

11. The “main, indeed normally, the sole question”, as described by Lord Neuberger, for the Tribunal to determine is therefore whether, or not, the lessee will be or has been caused relevant prejudice by a failure of the Applicant to undertake the consultation prior to the major works and so whether dispensation in respect of that should be granted.

12. The question is one of the reasonableness of dispensing with the process of consultation provided for in the Act, not one of the reasonableness of the charges of works arising or which have arisen.

13. If dispensation is granted, that may be on terms. That is to say that dispensation is granted but only if the landlord accepts- and fulfils appropriate conditions. Specific reference was made to costs incurred by the lessees, including legal advice about the application made.

14. There have been subsequent decisions of the higher courts and tribunals of assistance in the application of the decision in Daejan but none are relied upon or therefore require specific mention in this Decision.

15. More generally, the Tribunal considers that the case authorities demonstrate that the Tribunal has a very wide discretion to, if it considers it appropriate, impose whatever terms and conditions are required to meet the justice of the particular case- in Daejan it was said “on such terms as it thinks fit- provided, of course, that any such terms are appropriate in their nature and their effect”.

Submissions and Consideration

16. By copy of email dated 12 June 2026, Anastacia Theophanous of Ringley Law confirmed compliance with the Directions in respect of display and copy of application form, directions being sent to the leaseholders.

17. By Witness Statement of Anastacia Theophanous, legal officer of Ringley Law LLP acting on behalf of Rainier 1 (Croydon) Management Company Limited confirmed that no formal responses have been received to the application for dispensation.

The Lease

18. A copy of a sample lease is provided in the Bundle [192/221].

Consultation and the Works

19. The Applicant provided a witness statement [184/221] of Ahmad Al-Jumaili, Property Manager, of Ringley Chartered Surveyors.

20. The statement is made on behalf of the management company Rainier 1 (Croydon) Management Company Limited).

21. The statement says, the building is a purpose-built block consisting of 112 Flats. It was noted that waterproof remedial works for the tanks will be completed by Tenen Ltd who have quoted the works will cost £19,545.22. Additionally, that the replacement of both pumps the work will be completed by Powertec Ltd and at a quoted cost of £160,459.20.

22. The statement notes; the reason why Tribunal dispensation is sort, is that in the months since submitting the Application, the agent to the Managing Agents, have been unable to engage any other contractors who are able to undertake the specialised works required. As a result, it is said, the Ringley Chartered Surveyors say they need to proceed with instructing the works as soon as they identified a suitable contractor who was available and capable of carrying out the works.

23. Additionally, that the block is under an Enforcement Notice from the London Fire Brigade. Once, it is said, the works have been completed the enforcement notice should be removed.

Analysis and decision

24. The Tribunal finds that it is reasonable to dispense with all of the formal consultation requirements in respect of the major works to the building in respect to the works detailed in the application and set out in paragraph 1 of the decision.

25. This decision is confined to the determination of the issue of dispensation from the consultation requirements in respect of the major works outlined above. **The Tribunal has made no determination on whether the costs incurred are reasonable and whether service charges are payable in any given sum or at all. If a Lessee wishes to challenge the reasonableness of those costs and/ or the payable service charges, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.**

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).