



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

Case reference : LON/00BG/LDC/2025/0986

Property : Carriers Apartments, 21 Stoneway Walk,
London E3 5SH

Applicant : ADRIATIC LAND 11 LIMITED

**Applicant's
Representative** : Mr Andrew Carter, counsel
Instructed by J B Leitch Ltd (solicitors)

Respondents : Leaseholders of Carriers Apartments

**Respondent's
Representative** : Professor Sayed Eram Abbas RIVZI
(Leaseholder of flat 201)

Tribunal : Judge Timothy Cowen
Mr S Mason FRICS

Date of hearing : 1 July 2026

Date of decision : 4 August 2026

SUBSTANTIVE DECISION

Decision of the tribunal

Dispensation is refused.

REASONS FOR DECISION

1. There is a point of principle in issue in this case: can the Tribunal grant dispensation to a landlord under section 20ZA of the Landlord and Tenant Act 1985 in respect of works which are not currently proposed, but which may become necessary or desirable in future.
2. The application was made by the Applicant on 8 December 2025 seeking dispensation from the statutory consultation requirements applying to

qualifying works. The proposed qualifying works set out in the application form are various specified fire safety works including removal and replacement of timber cladding and the implementation of cavity barriers and fire breaks. The application also explains that the works were urgent, for obvious reasons, and that leaseholders have been kept informed.

3. In this case, therefore, the Applicant landlord is proposing to carry out various works which are required for fire safety. This decision is not concerned with the need for the works or the reasonableness of the cost. We are concerned only with the question whether dispensation should be granted.
4. A letter by the Applicant to the leaseholders dated 6 September 2024 confirmed that a grant funding application to Homes England (the relevant government agency operating the Cladding Safety Scheme) had been successful and a further letter on 23 December 2024 confirmed that “additional pre tender support funding” of £174,800 had been agreed by Homes England.
5. In paragraph 14 of its statement of case dated 8 December 2025, the Applicant further confirmed that grant funding under the Cladding Safety Scheme had been received.
6. The hearing of the application before us was by remote video link. The Applicant was represented by Andrew Carter, counsel. Professor Rivzi, a leaseholder, represented himself.
7. At the hearing, the Applicant’s counsel confirmed that now **all** the currently proposed works will be **fully funded** by government agencies. There is therefore no possibility (according to the Applicant’s submissions) of any of the cost of the currently proposed works being passed on to any of the leaseholders by way of service charges.
8. The Applicant’s dispensation application was served on the leaseholders in accordance with the Tribunal’s directions. Professor Rivzi returned his reply form on 12 April 2026 indicating that he wanted an oral hearing and that he was objecting to the application on the grounds that the information which had been supplied to the leaseholders by the Applicant was insufficient. He also sought specified conditions in the event that dispensation was granted. Another leaseholder reply form dated 14 April 2026 was received from Katie Stanton of 21 Stoneway Walk also objecting but without specifying any grounds. Ms Stanton did not attend the hearing.
9. This is an unusual scenario. The first question which faces the Tribunal is whether the statutory consultation requirements have been triggered at all. Those requirements are created by section 20 of the 1985 Act, the relevant parts of which are as follows:

20 Limitation of service charges: consultation requirements

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are

limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—

- (a) complied with in relation to the works or agreement, or
 - (b) dispensed with in relation to the works or agreement by (or on appeal from) the appropriate tribunal.
- (2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.
- (3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount...
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State...
- (7) Where an appropriate amount is set by virtue of paragraph (b) of [subsection (5)], the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined.
10. The Secretary of State set the “appropriate amount” at £250 in the Service Charges (Consultation Requirements) (England) Regulations 2003/1987 using the basis specified in Section 20(5)(b).
11. There are the following relevant things to note from these provisions:
- i. The overall result of the consultation (or of dispensation from consultation) is that the statutory £250 cap per leaseholder on service charges recovering the cost of the qualifying works does not apply. In other words, a landlord who either consults or gains dispensation can charge more than £250 per leaseholder in respect of the works.
 - ii. Subsection 3 prescribes precisely the criterion for section 20 (and therefore the statutory consultation requirement) to apply. The obvious implication is that if that criterion is not satisfied, then section 20 will **not** apply. The criterion is that “relevant costs” exceed the “appropriate amount”.
 - iii. “Relevant costs” is defined in section 18(2) of the 1985 Act to mean “the costs or estimated costs incurred or to be incurred by or on behalf of the landlord, or a superior landlord, **in connection with the matters for which the service charge is payable.**” (our emphasis added in bold). This means that relevant costs are defined by reference to costs which are liable to be passed on by way of service charges.
 - iv. The phrase “relevant contribution” in section 20 is defined as “the amount which [a leaseholder] may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the [qualifying] works”. That phrase is therefore also defined by reference to costs which are liable to be passed on by way of service charges.

- v. The statutory cap expressly applies by reference to the difference between the “appropriate amount” and the “relevant contribution”.
 - vi. We also note that “relevant costs” are costs which are “incurred” by the landlord. We have no evidence about how the government funding is being structured, but since the government funding must presumably be carefully ringfenced to ensure that it pays for the relevant works, it is likely that the landlord could be said not to be incurring any “relevant costs” in any event.
12. It appears to us from all of the above that these qualifying works, for which no relevant contribution would ever be demanded from leaseholders by way of service charges, are not works to which section 20 applies at all.
 13. Even if (contrary to our primary view) section 20 does apply, the statutory £250 cap cannot place a limit on service charges which will never be demanded. Therefore seeking dispensation (even if technically possible) is futile. We have therefore decided, in the alternative, that it would not be reasonable to grant dispensation (even if it were possible to do so) because any such dispensation would be futile and of no effect. It is not in the interests of justice (and would be an abuse of process) for pointless, futile orders to be made.
 14. At the hearing, the Applicant’s counsel went one step further and made an additional submission which was not pleaded in the Applicant’s statement of case or the application form.
 15. He submitted that dispensation should be granted to the Applicant on the following further basis: as the currently proposed works progress, it may become apparent that further works (previously unanticipated) are necessary or desirable. It may also be that those further works would not be funded by Homes England (or any other agency). It may also be that those unanticipated further works are so urgent that it will not be feasible to carry out the section 20 consultation process in respect of them. The Applicant’s counsel submitted that if that happens then it would be highly undesirable for the Applicant to have to incur the costs and inconvenience of pausing the work in order to consult or to apply for dispensation, in order to carry out those currently unanticipated works.
 16. That submission in our judgment runs into the following fatal obstacles:
 - i. In order for the section 20ZA jurisdiction to apply, there must be qualifying works which it is possible to define at the time of the proposed dispensation order. See section 20(1)(b) which refers to the dispensation being “in relation to **the works...**” (our emphasis added in bold).
 - ii. The Applicant would need to have to submit that the phrase “the works” can be interpreted to mean “any works which may reasonably arise in future”.
 - iii. If the Applicant’s submission is correct, then any landlord could arguably obtain a dispensation order for any unspecified hypothetical works which may need to be done any time in the

future. Any landlord could come to the Tribunal and say “it is likely that some time in future the lift/roof/windows may need repairing/replacing and when they do it may be an emergency, therefore please grant me dispensation now which I can use when that happens”. That cannot be what the statute intended. The clear intention of the statute, as interpreted by the leading authorities, is for the Tribunal to be able to consider the specific situation in which the alleged emergency qualifying works have arisen and, if appropriate, to be able to impose specific conditions tailored to that scenario.

17. In effect, the Applicant is asking for the equivalent of a get out of jail card - a blank-cheque style of dispensation order - which it can use whenever needed. That cannot be the effect or intention of the statute.
18. For all the above reasons, we have made the order set out above refusing the application for dispensation.
19. If the need for any specific unfunded qualifying works does arise in future, this decision does not prevent the Applicant from making an appropriate dispensation application at that time.
20. Equally, our decision above that section 20 does not apply at all to the currently proposed fully-funded works does not necessarily apply to any qualifying works the need for which may become apparent in future.

Name: Judge Timothy Cowen

Date: 4 August 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).