



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

Case reference : LON/00BA/LDC/2026/0036

Applicant : Brenley Park Management Company

Representative : Treehouse Property Management Services Limited

Respondent : The Leaseholders of 7-12 Jupiter House,
Esquiline Lane, Mitcham CR4 1GH

Property : 7-12 Jupiter House, Esquiline Lane,
Mitcham CR4 1GH

Type of application : To dispense with the requirement to
consult lessees pursuant to section
20ZA of the Landlord and Tenant Act
1985.

Tribunal : Deputy District Judge Samuel sitting as
a Tribunal Judge

Date of decision : 3 August 2026

DECISION

Background to the application

1. By an application received on 11 February 2026, the Applicant has applied for dispensation from the statutory consultation requirements.
2. Directions were given on 17 March 2026 which were amended on 24 April 2026 following an application to amend the original application dated 19 March 2026.
3. Dispensation is sought in respect of two sets of qualifying works, namely (i) the roof and (ii) a small ledge over the bedrooms. Dispensation is sought as urgent repairs have been required.

4. Works had been started at the time of the application. The roof repairs were completed on 20 February 2026 and the small ledges completed on 8 April 2026.
5. The basis of the Applicant's application is summarised in the Directions as:

The roof has allowed water to penetrate into flats. Numerous inspections were made over a period of two weeks and the cause could not be clearly identified. The roof is a flat roof over the 6 flats with membrane, upstands, brickwork and ACM cladding. There is also a roof terrace next to flat 12 with a wooden decking for personal use. The decking has now been removed, to fully inspect the roof, at a cost of £1k. The water penetration has been getting worse. An urgent quote has been obtained for repairs to the membrane in the sum of £2.4k. The Applicant notes that this may only be a first step. If there are no further leaks, it is proposed to reinstate the wooden decking at a cost of some £5k. The total cost of the works is some £8.4k. If the repairs were delayed, the property would develop more issues and there could be additional safety risks to leaseholders.

The small ledge over bedrooms has the same roofing material as the main roof. A temporary repair has been made to stop water ingress at a cost of £300. The Applicant has obtained a quote to repair the roofing membrane in the sum of £1.5k.

6. 7-12 Jupiter House is one of three blocks that make up Jupiter House. Each block has 6 flats.
7. By way of background the Applicant states:

General repairs fall under block costs. Historically the developer repaired water ingress in the roofs in 2014 and 2020 before going into administration.

Periodically different block roofs have leaked and repairs made which stopped the leaks for a long period of time. The recent persistent wet weather has caused many of the historic leaks to appear. Some are worse than others.

Jupiter 7-12 is by far the worse. Due to the complexity of the material on the roof, the design and wooden decking on the roof terraces the causation has been difficult to confirm. Thermal imaging, water testing, previous surveyors reports and visual inspection by six roofing companies have not been able to resolve the estate issues.

Our aim is to stop the water ingress as soon as possible. Initially by completing the membrane works already quoted. If additional brickwork or ACM works are required, quotes will be collected for these.

8. Under section 20 of the Landlord and Tenant Act 1985 and the regulations made under it, a landlord contemplating carrying out major works (defined as works costing more than £250 per flat) has to carry out a consultation, on pain of having the recoverability of the cost of the works capped at £250 per flat.
9. The Applicant's representative emailed the leaseholders on 11 February 2026, 23 March 2026 and 1 May 2026 providing details of the application and explaining the leaseholders' rights to object or otherwise comment on the works.
10. No objections or comments have been made.

Reasons

11. Given the lack of a response to the application no prejudice arising from the lack of consultation with the Respondents has been identified. There is no evidence before the Tribunal that the works proposed are inappropriate or that the quotation is more than would be appropriate.
12. This dispensation does not mean that the tenants cannot challenge the cost or quality of the work done. It simply dispenses with the consultation requirement.
13. There is no application in respect of the fees for applying to the Tribunal, so we make no order in respect of such fees.

DETERMINATION

- (a) The Tribunal grants a dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the works which are the subject of the application.
- (b) The Tribunal makes no order in respect of the fees payable to the Tribunal.

Name: DDJ Samuel

Date: 3 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).