



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

Case reference : **LON/00BK/LDC/2025/0926**

Property : **Flats 1, 2 and 3, 19 Upper Wimpole St,
London W1G 6LY**

Applicant : **Howard de Walden Estate Ltd**

Representative : **Luke O'Connell at Savills UK Ltd**

Respondents : **John James Reddington (Basement Flat
1); Anna Mikhailovna Zadornova and
Saleem Abubakr Bahaj (Ground Floor
Flat 2); Howard Francis Burdett and
Louisa Sachiko Burdett (First Floor Flat
3)**

Representative : **No appearance**

Type of application : **Dispensation from consultation:
Landlord and Tenant Act 1985 section
20ZA**

Tribunal member : **Judge Adrian Jack**

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

Date of Decision : **3rd September 2026**

DECISION

1. By an application dated 4th November 2025 (although only sent to the Tribunal on 24th November 2025) the landlord seeks dispensation from the consultation requirements under section 20 of the Landlord and Tenant Act 1985 in respect of works to the roof of the premises to address a leak into the premises. The works were carried out in May 2024 at a cost of £9,954.00.

2. The Tribunal determined the matter on the papers.
3. Section 20 of the 1985 Act requires the carrying out of a consultation by a landlord who proposes either to enter a qualifying long-term agreement (“QLTA”), where the cost to a tenant will exceed £100 per annum or to carry out major works where the cost to a tenant will exceed £250. The Service Charges (Consultation Requirements) (England) Regulations 2003 contain detailed provisions as to the steps to be taken by a landlord. Failure to follow the consultation requirements limits the recoverable costs of a landlord under a QLTA to £100 per annum and in respect of major works to £250. The current works constitute major works for the purposes of the consultation requirements.
4. Section 20ZA of the 1985 Act permits a landlord to apply to the Tribunal “for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, [and] the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”
5. The Supreme Court in *Daejan Investments Ltd v Benson* [2013] UKSC 14, [2013] 1 WLR 854 held (reading from the headnote):

“that the purpose of a landlord’s obligation to consult tenants in advance of qualifying works, set out in the [1985 Act and 2003 Regulations], was to ensure that tenants were protected from paying for inappropriate works or from paying more than would be appropriate; that adherence to those requirements was not an end in itself, nor was the dispensing jurisdiction under section 20ZA(1) of the 1985 Act a punitive or exemplary exercise; that, therefore, on a landlord’s application for dispensation under section 20ZA(1) the question for [what is now the First-tier Tribunal] was the extent, if any, to which the tenants had been prejudiced in either of those respects by the landlord’s failure to comply; that neither the gravity of the landlord’s failure to comply nor the degree of its culpability nor its nature nor the financial consequences for the landlord of failure to obtain dispensation was a relevant consideration for the tribunal; that the tribunal could grant a dispensation on such terms as it thought fit, provided that they were appropriate in their nature and effect, including terms as to costs; that the factual burden lay on the tenants to identify any prejudice which they claimed they would not have suffered had the consultation requirements been fully complied with but would suffer if an unconditional dispensation were granted; that once a credible case for prejudice had been shown the tribunal would 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 tenants fully for that prejudice; and that, accordingly, since the landlord’s offer had exceeded any possible prejudice which, on such evidence as had been before the tribunal, the tenants would have suffered were an unqualified

dispensation to have been granted, the tribunal should have granted a dispensation on terms that the cost of the works be reduced by the amount of the offer and that the landlord pay the tenants' reasonable costs, and dispensation would now be granted on such terms.

Per Lord Neuberger of Abbotsbury PSC, Lord Clarke of Stone-cum-Ebony and Lord Sumption JJSC. (i) Where the extent, quality and cost of the works were unaffected by the landlord's failure to comply with the consultation requirements an unconditional dispensation should normally be granted..."

6. 19 Upper Wimpole Street comprises five floors with one flat on each floor. The flats on the top second and third floors are held directly by the landlord. The flats on the basement, ground floor and first floor are held by the tenants on long leases with the usual provisions for payment of service charges.
7. On 5th October 2023 the landlord, through its managing agents, Savills, commenced the consultation exercise in respect of "Roof repairs and associated works". This followed a leak from the roof. A detailed description of works was available at Savills' offices. The letter of consultation also offered to email a copy of the proposed works. Tenants were invited to nominate a contractor. In fact none of them did so and there was no response to this first stage of the consultation.
8. In January 2024 there was a ceiling collapse in one of the flats. The landlord sought to obtain agreement from the building insurer for reimbursement of the cost, but the insurer declined on the basis that roof maintenance was an ordinary repairing obligation, not an insured peril. The landlord decided to proceed with the works without completing the consultation procedure.
9. In my judgment there is no evidence that the tenants have suffered any prejudice from the landlord's failure to complete the consultation exercise. The works were necessary and urgent in view of the ongoing ingress of water. In these circumstances I grant dispensation from the consultation requirements.
10. This determination does not affect the tenants' rights to challenge the reasonableness, quality or cost of the works.

DETERMINATION

- (1) Pursuant to section 20ZA of the Landlord and Tenant Act 1985, the Tribunal grants dispensation from the consultation requirements in respect of works to the roof carried out in about May 2024.

(2) There be no order for costs.

Signed: Judge Adrian Jack

Dated: 3rd September 2026