



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

Case Reference	:	LON/00BK/LDC/2026/0191
Property	:	33 Grosvenor Square, South Audley Street, London W1K 2HL
Applicant	:	33 GS Limited
Representative	:	Sloane Asset Management Limited (Ref: 202606141000)
Respondents	:	The underlessees listed in the spreadsheet accompanying the Tribunal application
Representative	:	Unrepresented
Type of Application	:	Section 20ZA Landlord and Tenant Act 1985 - Dispensation with consultation requirements
Tribunal member	:	Judge J P Donegan
Dates of paper determination	:	15 September 2026
Date of decision	:	15 September 2026

DECISION

Decision of the Tribunal

- (A) The Tribunal grants dispensation under section 20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act') for the proposed installation of nine EV charging units, a new dedicated three-phase consumer unit, surge protection devices, armoured cabling, isolators and all associated electrical infrastructure in the basement car park at 33 Grosvenor Square, South Audley Street, London W1K 2HL ('the Property')**
- (B) No terms are imposed on the grant of dispensation.**
- (C) The applicant shall send a copy of this decision to each of the respondents and any recognised residents' association, either by email, hand delivery or first-class post. They shall also display a copy in a prominent place in the common parts of the Property. They must send an email to the Tribunal by 29 September 2026, confirming the date(s) when this was done.**

The application

1. The applicant seeks dispensation from the consultation requirements imposed by section 20 of the 1985 Act.
2. The application was submitted to the Tribunal on 27 May 2026. Directions were issued on 15 July 2026 and amended on 31 July 2026. The amended directions provided that the case be allocated to the paper track, to be determined upon the basis of written representations. None of the parties has objected to this allocation or requested an oral hearing. The paper determination took place on 15 September 2026.
3. The relevant statutory provisions are set out in the appendix to this decision.

The background

4. The Property is a substantial mid-20th century building with two commercial units on the ground floor and various flats on the upper floors. Eighteen of the flats are let on long underleases. There is ancillary basement accommodation, including a parking area. The applicant is the head-lessee, and the respondents are the various underlessees at the Property, which is managed by Sloane Asset Management Limited ('Sloane').
5. The applicant seeks prospective dispensation for the proposed installation of EV charging units, a consumer unit and associated electrical works in the basement parking area.

6. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. **This application does not concern the issue of whether any service charge costs will be reasonable or payable.**

The law

7. The leading authority on dispensation applications is the Supreme Court's decision in ***Daejan Investments Ltd v Benson [2013] UKSC 14***, which held that the main, and normally, sole question for the Tribunal is the real prejudice to the tenants flowing from the landlord's breach of the consultation requirements. The financial consequences for the landlord are not relevant, and the Tribunal may grant dispensation on such conditions as it sees fit provided that any such conditions are appropriate in their nature and effect. The legal burden of proof is on the landlord but the factual burden of proving some relevant prejudice is on the tenants.

The grounds of the dispensation application

8. Brief grounds are contained in the Tribunal application form. The proposed works are said to relate to fire safety. A Health and Safety Fire Risk Assessment ('HSFRA') identified that the existing fire suppression and detection measures in the basement parking area are limited and present an elevated fire risk. The proposed works are said to be urgent due to this risk and the need to improve fire safety provisions at the Property.
9. The applicant has not produced the HSFRA.
10. Paragraph 2 of the amended directions gave the respondents an opportunity to object to the dispensation application by completing and returning reply forms and serving statements, setting out their grounds of opposition. No objections have been received by the applicant.

The Tribunal's decision

11. The Tribunal grants dispensation for the proposed installation of EV charging units, a consumer unit and associated electrical works in the basement parking area. No terms are imposed on the grant of dispensation.

Reasons for the tribunal's decision

12. Notwithstanding the absence of the HSRA, the Tribunal accepts the proposed works are urgent, for the reasons advanced by the applicant.

A full section 20 consultation would take three months or more and the works cannot wait this long. The safety of the residents is paramount.

13. None of the respondents has contested the application or identified any prejudice that might arise from the grant of dispensation or proposed any terms as a condition of granting dispensation.
14. Having regard to the particular facts of this case and the guidance in ***Daejan Investments Limited v Benson [2013] UKSC 14***, it is reasonable to dispense with the strict consultation requirements.
15. This decision does not address the cost of the proposed works or whether the respondents are liable to contribute to the cost via their service charges. Nothing in this decision prevents the respondents from seeking a determination of 'payability', pursuant to section 27A of the 1985 Act.

Name: Judge J P Donegan

Date: 15 September 2026

Rights of appeal

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

6. If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

Appendix of relevant legislation

Landlord and Tenant Act 1985 (as amended)

Section 20

- (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.
- (4) The Secretary of State may by regulations provide that this section applies to a qualifying long term agreement—
 - (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
 - (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
 - (a) an amount prescribed by, or determined in accordance with, the regulations, and
 - (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with, the regulations.
- (6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.
- (7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, 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.

Section 20ZA

- (1) Where an application is made to the appropriate tribunal for a determination to dispense with all of any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
- (2) In section 20 and this section –
“qualifying works” means works on a building or any other premises, and
“qualifying long term agreement” means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

Section 27A

- (1) An application may be made to the appropriate tribunal for a determination whether a service charge is payable and, if it is, as to –
 - (a) the person by whom it is payable,
 - (b) the person to whom it is payable,
 - (c) the amount which is payable,
 - (d) the date at or by which it is payable, and
 - (e) the manner in which it is payable.
- (2) Subsection (1) applies whether or not any payment has been made.
- (3) An application may also be made to the appropriate tribunal for a determination whether, if costs were incurred for services, repairs, maintenance, improvements, insurance or management of any specified description, a service charge would be payable for the costs and, if it would, as to –
 - (a) the person by whom it would be payable,
 - (b) the person to whom it would be payable,
 - (c) the amount which would be payable,
 - (d) the date at or by which it would be payable, and
 - (e) the manner in which it would be payable.
- (4) No application under subsection (1) or (3) may be made in respect of a matter which –
 - (a) has been agreed or admitted by the tenant,
 - (b) has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which the tenant is a party,
 - (c) has been the subject of determination by a court, or

- (d) has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement.
- (5) But the tenant is not to be taken to have agreed or admitted any matter by reason only of having made any payment.