



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

Case reference	:	LON/00AW/LDC/2026/0105
Property	:	Alexander House, 55-57 Pont Street, London SW1X 0BD
Applicant	:	55-57 Pont Street (Residents) Limited
Representative	:	George Olley of Sloane Asset Management Ltd, managing agents for the Applicant
Respondents	:	The residential leaseholders of the Property
Type of application	:	Dispensation from compliance with statutory consultation requirements
Tribunal member	:	Judge P Korn
Date of decision	:	28 September 2026

DECISION

Description of hearing

This has been a remote hearing on the papers. An oral hearing was not held because the Applicant confirmed that it would be content with a paper determination, the Respondents did not object and the tribunal agrees that it is appropriate to determine the issues on the papers alone. The documents to which I have been referred are in an electronic bundle, the contents of which I have noted. The decision made is described immediately below under the heading “Decision of the tribunal”.

Decision of the tribunal

The tribunal dispenses unconditionally with the consultation requirements in respect of the qualifying works which are the subject of this application.

The application

1. The Applicant seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“**the 1985 Act**”) from the consultation requirements imposed on the landlord by section 20 of the 1985 Act in relation to certain qualifying works.
2. The qualifying works which are the subject of this application comprise a repair of the automatic opening vent (AOV) system.

Applicant’s case

3. The Applicant’s managing agents state that the AOV system, which forms a critical component of the fire safety provisions at the Property, is currently non-operational. In particular, the building’s fire safety is significantly compromised as the control panel is unable to communicate with the other systems in place. The proposed works comprise a full repair of the system by the original manufacturer.
4. The attending engineer reported that the OPV panel screen has lost communication and could not be accessed due to a failed power supply unit. An OPV panel upgrade is therefore required due to the relevant parts now being obsolete. It is also necessary to install a new system monitor, which will monitor the fire and fault condition of the system.
5. The Applicant’s intention was to issue a notice of intention in relation to the works after receipt of the tribunal’s directions.

Responses from the Respondents

6. The hearing bundle contains no objections from any of the Respondents. Regrettably, the Applicant appears not to have confirmed in writing that no objections have been received from any of the Respondents, but they are presumed not to have objected in the absence of any evidence or information to the contrary.

The relevant legal provisions

7. Under Section 20(1) of the 1985 Act, in relation to any qualifying works *“the relevant contributions of tenants are limited ... unless the consultation requirements have been either (a) complied with ... or (b) dispensed with ... by ... the appropriate tribunal”*.

8. Under Section 20ZA(1) of the 1985 Act “*where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements*”.

Tribunal’s analysis

9. The Applicant has explained why the works are considered urgent and why, therefore, it considers that there is insufficient time to go through the full statutory consultation process.
10. As is clear from the decision of the Supreme Court in *Daejan Investments Limited v Benson and others (2013) UKSC 14*, the key issue when considering an application for dispensation is whether the leaseholders have suffered any prejudice as a result of the failure to comply with the consultation requirements.
11. In this case, it appears that none of the Respondents has expressed any objections in relation to the failure to go through the statutory consultation process, and there is no evidence before me that the leaseholders were in practice prejudiced by the failure to consult. Although the application has only been explained very briefly, I accept on the basis of the Applicant’s uncontested submissions that the carrying out of the works was urgent for the reasons given.
12. The tribunal has a wide discretion as to whether it is reasonable to dispense with the consultation requirements and, given the relative urgency and in particular the lack of objection from leaseholders, I consider that it is reasonable to dispense with the consultation requirements.
13. As is also clear from the decision of the Supreme Court in *Daejan v Benson*, even when minded to grant dispensation it is open to a tribunal to do so subject to conditions, for example where it would be appropriate to impose a condition in order to compensate for any specific prejudice suffered by leaseholders. However, as noted above, there is no evidence nor any suggestion that the leaseholders have suffered prejudice in this case.
14. Accordingly, I grant unconditional dispensation from compliance with the consultation requirements.
15. It should be noted that this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness of the cost of the works.

Costs

16. There have been no cost applications.

Name: Judge P Korn

Date: 28 September 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).