



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

Case Reference	:	LON/00BK/LDC/2026/0145
Property	:	7-12 Leinster Square, London, W2 4PL
Applicant	:	Rhodium
Representative	:	RH45 Ltd
Respondent	:	The 6 lessees listed in the schedule to the application
Representative	:	None
Type of Application	:	An application under section 20ZA of the Landlord and Tenant Act 1985 for dispensation from consultation prior to carrying out works
Tribunal Member	:	Ian B Holdsworth FRICS
Date of Decision	:	23 September 2026

DECISION

The Tribunal determines to allow this application to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 in respect of fire compartmentation remedial works required at 7-12 Leinster Square, London W2 4PL, provided such works fall within the landlord's repairing and maintenance obligations under the leases.

This application does not concern whether any service charge costs are reasonable or payable. **The leaseholders retain the protection**

afforded by section 27A of the Landlord and Tenant Act 1985 and if relevant section 8a of the Building Safety Act 2022.

The Tribunal directs the applicant to send a copy of this decision to all affected leaseholders and to display a copy in the common parts of the building.

The application

1. The applicant seeks dispensation from the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 pursuant to section 20ZA of that Act. The application concerns qualifying works at 7-12 Leinster Square, London W2 4PL.
2. An application was received by the First-tier Tribunal dated 6 May 2026 seeking dispensation from the consultation requirements. Directions were issued to the Applicant on 29 July 2026. These Directions required the Applicant to advise the Respondents of the application provide them with details of the proposed works including costs, and the provision for any objections to be made.
3. The statutory provisions referred to in making this decision may be consulted at: www.legislation.gov.uk/ukpga/1985/70/section/20ZA

Parties' submissions

4. This matter was determined by written submissions. The Applicants' representative submitted a 67-page bundle of relevant materials to the Tribunal. Further enquiries of RH45 Ltd were made to supplement the information provided in this bundle.
5. The Tribunal is informed that no observations, objections or reply forms were received from any of the Respondent leaseholders

The background

6. The property is described as a pre-1991 purpose-built building refurbished in 2016. Numbers 7, 8, 9, 11 and 12 are on the lower ground and first floors with Number 10 on the second floor. There are six flats in total.
7. A fire compartmentation survey was commissioned by the managing agent from JCS Firesafe. A copy of findings from this survey dated 19 February 2025 is submitted by the Applicant. It describes how twenty-nine individual locations were inspected and recorded within the

survey. The defects identified included service penetrations, fire batt installations, linear gaps and open voids requiring remediation.

8. The applicant states that three competitive quotations have been obtained for the remedial works and that each exceeds the statutory consultation threshold. The works have been discussed with the three directors of the management company, who support the proposal to proceed by way of dispensation. Funds are said to be available to meet the cost of the works.
9. The Tribunal are told by e mail dated 17 September 2026 that Polyteck were instructed to carry out the works following receipt of the contractor quotes, a review of the scope of works and consultation with the Directors. Polyteck quoted £5,760 inclusive of vat and were the cheapest of the three quotes received. JCS Firesafe quoted £7,800 and Multiplex FM Ltd £7,308 both inclusive of vat.
10. The applicant's representative advises that the works were commenced on 21st May and completed by 27th May 2026. They contend that the identified defects presented an ongoing fire safety risk and that the works needed to be carried out at the earliest opportunity. It is submitted that undertaking the full statutory consultation process would have delayed the commencement of the remedial works.
11. This determination relies upon a bundle of papers which include the Application, copies of 3 works quotes, and copy of a specimen lease. The Tribunal has also referred to the Directions and an e-mailed letter from the applicant's representative dated 17 September that provides supplementary information.
16. The only issue for the Tribunal to consider is whether it is reasonable to dispense with the statutory consultation requirements in respect of the additional works. **This application does not concern the issue of whether any service charge costs are reasonable or payable.**

Statutory Duties to Consult

17. The obligation to consult is imposed by section 20 of the Landlord and Tenant Act 1985. The consultation procedure is prescribed by the Service Charges (Consultation Requirements) (England) Regulations 2003.
18. Section 20ZA (1) provides that the Tribunal may dispense with all or any of the consultation requirements where it is satisfied that it is reasonable to do so.

The determination

17. The Tribunal has considered the application in accordance with section 20ZA of the Landlord and Tenant Act 1985 and the principles established by the Supreme Court in **Daejan Investments Ltd v Benson and Others [2013] UKSC 14**.
18. The Supreme Court confirmed that the purpose of the statutory consultation requirements is to protect leaseholders from paying for works which are inappropriate or unnecessary, or from paying more than would be reasonable in the circumstances. The consultation provisions are not intended to operate as a punitive mechanism against landlords who fail to comply with the statutory requirements.
19. The Tribunal notes the observation of Lord Neuberger that the issue is not the seriousness of the landlord's breach but the extent to which the tenants have been prejudiced by it. Whilst the legal burden rests upon the landlord, the factual burden of identifying relevant prejudice rests upon leaseholders opposing dispensation.
20. The Supreme Court further recognised that where prejudice is established the Tribunal may impose conditions upon any dispensation granted so as to place leaseholders, so far as practicable, in the position they would have occupied had proper consultation occurred. Conversely, where no relevant prejudice is demonstrated, dispensation should ordinarily be granted.
21. The Tribunal accepts that the works arise from defects identified during a fire compartmentation survey. Twenty-nine individual locations were inspected and the defects identified included service penetrations, fire batt installations, linear gaps and open voids requiring remediation. The purpose of the proposed works is to restore effective fire spread compartmentation within the building and thereby improve fire safety.
22. The applicant has obtained three competitive quotations and submits that delay occasioned by the consultation procedure would postpone necessary fire safety remedial works.
23. No leaseholder has opposed the application or identified any prejudice arising from the absence of consultation. No alternative contractor, specification or materially different procurement outcome has been identified.
24. Whilst leaseholders have lost the formal opportunity to make observations and nominate contractors, the Tribunal is satisfied that any prejudice arising from that loss is limited and outweighed by the benefit of progressing the identified fire safety works without delay.

25. Leaseholders retain their statutory rights under section 27A of the 1985 Act to challenge the reasonableness and recoverability of any service charge demand.
26. Applying the principles set out in *Daejan Investments Ltd v Benson and Others*, the Tribunal is satisfied that no relevant prejudice has been established. Having regard to all the circumstances, it is reasonable to dispense with the consultation requirements and retrospective dispensation is granted in respect of the fire compartmentation remedial works insofar as those works fall within the landlord obligations under the leases.
27. **It is the Applicant's responsibility to serve a copy of the Tribunal's decision on all Respondent leaseholders listed on the Application.**
28. **This decision does not affect the right of the Respondents to challenge the costs, payability or the standard of work should they so wish.**

Valuer Chairman: Ian B Holdsworth **Date:** 23 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).