FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	HAV/43UB/LDC/2026/0137
Property	:	Belvedere House, Churchfields Avenue, Weybridge, Surrey KT13 9XY
Applicant	:	Belvedere House (Weybridge) Management Co Ltd
Representative	:	
Respondent	:	The Leaseholders
Representative	:	
Type of Application	:	To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985
Tribunal Members	:	Tribunal Judge Bowden Tribunal Member Ms Dalal
Date of Decision	:	08 October 2026

DECISION

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This is a formal order of the Tribunal which must be complied with by the parties.

Communications to the Tribunal MUST be made by email to rpsouthern@justice.gov.uk. All communications must clearly state the Case Number and address of the premises.

Summary of Decision

(1) The applicant is granted dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act in relation to repair to two Kone lifts and the ancillary costs together estimated to be c£39,000.

(2) The Tribunal has made no determination on whether the costs of the works are reasonable or payable.

Background

1. The applicant is Belvedere House (Weybridge) Management Co Ltd, the company that manages Belvedere House.

2. The respondents are the leaseholders:

1 Ms Fiona Moore	9 Mr Mark Bader	19 Mr & Mrs Mohahmed
2 Ms Amanda Sams	10 Mr Michael Canty	20 Mr & Mrs Anthony Sweetsur
3 Mr Ben Spector	11 Ms Sheila Bryan	21 Mr Eric Trodd
4 Ms Mahin Salari	12 Mr Andrew Horton	22 Estate of Ms Pat Brown
5 Ms Susie Robins	14 Mr & Mrs Barry Skinner	23 Ms Stephanie Surrey & Ms Helena Whittle
6 Ms Sandra Thomas	15 Ms Pearl Sabine	24 Mr Fumito Furuzawa
7 Ms Christa van Zyl	16 Mrs Oana Curry	25 Mr Massimo Mercatti
8 Mr & Mrs Graham	17 Mr Subra Lingeswaran	
	18 Mr & Mrs John Colyer	

together, the "Lessees"

3. The applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act. The application was received on 03 August 2026.

4. The property is described as:

   a. Twenty-four residential apartments within Belvedere House, divided between fifteen at the front block and nine at the back block.

   b. The block was built in 2001 and consists of 2- and 3-bedroom properties.

   c. The two blocks are served by separate Kone lifts.

   d. Both lifts failed at the same time and are in urgent need of repair

   e. Inconvenience is caused to a number of elderly and in some cases infirm residents

   f. Twenty three of the twenty four leaseholders own a share in the Freehold Company and all, including the non-shareholder have been canvassed with respect to their willingness to contribute jointly to the cost of the repair to the lifts.

5. The applicant explains that:

   a. The two lifts have been providing only intermittent service since mid-June.

   b. Each breakdown has been attended by The Lift Co. (TLC) and a temporary fix has been made to put the lifts back into service.

   c. During a hot spell in June (ambient temperatures around 40°C), both lifts ceased to operate. In spite of several service visits, it had not been possible to reinstate service.

   d. TLC recommended a significant retrofit of key Kone-approved components to upgrade the redundant equipment.

   e. TLC provided a job specification and quote to execute the works.

f. The specification was transmitted to two other lift contractors for a competitive quote and schedule

g. Two other quotes were sought. Chiltern Lifts and Kone Lift Service were approached. Chiltern Lifts did not reply. Kone Lift Service estimates an initial investigation fee, but not a fee for the repair.

h. The estimated cost for the qualifying work and the interim lift repairs would be in the region of £30,000.00.

6. The applicant described the work required as: Repair to Two Kone Lifts & Ancillary Costs. This is the qualifying works.

7. The applicant provided a bundle of documents called 'Appendices to Application'. Within that bundle were:

a. Summary of request for quotation

b. Minutes from relevant meetings of Belvedere House Freehold Co. Ltd. and Belvedere House (Weybridge) Maintenance Co. Ltd joint directors.

c. Emails to leaseholders regarding the lift repair issues from June and July 2026.

d. Table of responses

e. TLC timeline

f. The lease.

8. The Tribunal gave Directions on 12 August 2026 listing the steps to be taken by the parties in preparation for the determination of the dispute, if any.

9. The Directions stated that the Tribunal would determine the application on the papers received unless a party objected in writing to the Tribunal within 7 days of the date of receipt of the Directions. No party has objected to the application being determined on the papers.

10. All the Lessees responded via the Tribunal Response Form and stated that they agreed to the matter being determined on the papers and that they agree with the application in whole or part; save for Flat 4.

11. On 14 August 2026, the applicant made a case management application to:

    a. Request that the Tribunal grant permission to amend/vary our current dispensation application to reflect a revised total scope of £39,000. This was an increase from £30,000 to £39,000.

12. The increase was because:

    a. The scope of work required to reinstate two lifts to full safe and operational status had increased, as a further upgrade was required to the controls which operate the lift doors.

    b. TLC have quoted £6,720, inclusive of VAT.

    c. TLC has also indicated they wish to charge for abortive work carried out on 24 July 2026. The applicant was opposing the 24 July 2026 charge; it would need approximately £2,000 inc VAT more if the charge were payable.

13. On 09 September 2026, Judge Lumby considered the 14 August 2026 application and directed:

> *Tribunal Judge Lumby has considered this application. Unfortunately, as the scope of the works has increased, the respondents will need to be given another opportunity to object.*
>
> *The applicant must therefore serve this application together with its attachments and this response on the respondents and confirm by 14 September 2026.*
>
> *Any respondents who object to the revised scope must inform the applicant by email to Tony.sweetsur@gmail.com by 28 September 2026. The applicant must inform the tribunal whether there have been any objections by 30 September 2026. The tribunal will then consider whether the dispensation*

application remains suitable for paper determination and issue further directions.

14. On 09 September 2026, the applicant wrote to the Tribunal confirming that all the Respondents had been notified in compliance with the directions dated 09 September 2026.

15. On 29 September 2026, the applicant wrote to the Tribunal confirming that as of 28 September 2026 no objection had been raised.

16. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. This application is not about the proposed costs of the works, and whether they are recoverable from the leaseholders as service charges or the possible application or effect of the Building Safety Act 2022. The leaseholders have the right to make a separate application to the Tribunal under section 27A of the Landlord and Tenant Act 1985 to determine the reasonableness of the costs, and the contribution payable through the service charges.

The Law

17. Section 20 of the Landlord and Tenant Act 1985 ("the Act") and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum unless the required consultations have been undertaken or the requirement has been dispensed with by the Tribunal. An application may be made retrospectively.

18. The relevant section of the Act reads as follows:

S.20 ZA Consultation requirements: Where an application is made to a Leasehold Valuation Tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying longterm

agreement, the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

19. The appropriate approach to be taken by the Tribunal in the exercise of its discretion was considered by the Supreme Court in the case of Daejan Investment Limited v Benson et al [2013] UKSC 14.

20. The leading judgment of Lord Neuberger explained that a Tribunal should focus on the question of whether the lessee will be or had been prejudiced in either paying where that was not appropriate or in paying more than appropriate because the failure of the lessor to comply with the regulations. The requirements were held to give practical effect to those two objectives and were a means to an end, not an end in themselves.

21. The factual burden of demonstrating prejudice falls on the lessee. The lessee must identify what would have been said if it had been able to engage in a consultation process. If the lessee advances a credible case for having been prejudiced, the lessor must rebut it. The Tribunal should be sympathetic to the lessee(s).

22. Where the extent, quality and cost of the works were in no way affected by the lessor's failure to comply, Lord Neuberger said as follows:

I find it hard to see why the dispensation should not be granted (at least in the absence of some very good reason): in such a case the tenants would be in precisely the position that the legislation intended them to be- i.e. as if the requirements had been complied with.

23. The main, indeed normally the sole question, as described by Lord Neuberger, for the Tribunal to determine is therefore whether, or not, the lessee will be or has been caused relevant prejudice by a failure of the applicant to undertake the consultation before the major works, and so whether dispensation in respect of that should be granted.

24. Relevant prejudice is concerned with whether the Lessees have been deprived of a realistic opportunity to:

a. challenge the appropriateness of the proposed works; or

b. secure that the works are carried out at a lower cost, or by a different contractor, than might otherwise have been the case

25. The question is one of the reasonableness of dispensing with the process of consultation provided for in the Act, not one of the reasonableness of the charges of works arising or which have arisen. If dispensation is granted, that may be on terms.

Consideration

26. The consultation requirements are a means to an end, and not an end in themselves. The Tribunal's task is not to punish procedural non-compliance, but to consider whether the absence of consultation has caused, or is likely to cause, the tenants to pay more than is reasonable or to pay for works which are inappropriate.

27. The question the Tribunal asked itself was whether, in all the circumstances, and having regard to the issue of relevant prejudice, it is reasonable to dispense with the statutory consultation requirements.

28. The Directions attached a reply form for the respondents to complete to confirm whether they agreed with the application, and, if opposed, to provide a statement setting out why they oppose. None of the Lessees have asserted that any prejudice has been caused to them.

29. The reason why dispensation from consultation requirements is said to be required is that:

a. The main impacts of both lift outages are urgent

b. The lack of lift leads to restricted movement for:

i. Mark Bader (9), who is a wheelchair user and who has hospital appointments.

ii. Mr Jones (15), who is not able to manage stairs.

iii. The residents in Flat 16 who have a three-year-old and need to move a baby buggy from their flat to the entrance

iv. The residents of Flat 5, who have children.

v. Several other elderly occupants in the Front and Back blocks.

c. Surrey Fire & Rescue Service stated that no specialist equipment was available.

Findings

30. The Tribunal considered all the evidence submitted by the parties and applied its expertise and experience in determining the issue before it.

31. The Tribunal found that the lack of consultation had not caused, or was likely to cause, the Lessees to pay more than is reasonable or to pay for inappropriate works. Nor was it likely to prejudice the Lessees.

32. The Tribunal finds that nothing different would be done or achieved in the event of a full consultation with the Lessees, except for the potential delay and further deterioration.

33. Given the nature of the works and to prevent further damage to the property, the Tribunal is satisfied that the qualifying works are of an urgent nature.

Determination

34. The Tribunal determines that it is reasonable to dispense with all of the formal consultation requirements in respect of the qualifying works to the building as described in this Decision.

35. This Decision is confined to the determination of the issue of dispensation from the consultation requirements in respect of the qualifying works described in this Decision.

36. The Tribunal has made no determination on whether the costs are payable or reasonable. If a Lessee wishes to challenge the payability or reasonableness of those costs, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

37. In reaching this decision, the Tribunal has taken account of the fact that no party has objected to the application. The leaseholders have had the opportunity to raise any objection, and they have not done so. The Tribunal does, however, direct that the dispensation is conditional upon the applicant or their agent sending a copy of this decision to all leaseholders within 14 days of receipt so that they are aware of it.

Name: Tribunal Judge Bowden **Date:** 08 October 2026

RIGHTS OF APPEAL

1. A written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case by email at rpsouthern@justice.gov.uk.

2. The application for permission to appeal must arrive at the Regional office within 28 days after the date this decision is sent to the parties.

3. 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.

4. The application for permission to appeal must state the grounds of appeal and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.