



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

Case reference : **LON/00BF/LDC/2026/0033**

Property : **Mallory House 182 Sutton Common
Road Sutton SM1 3EB**

Applicant : **Long Term Reversions (Harrogate)
Limited**

Representative : **Principle Estate Management Limited**

Representative : **Leaseholders of Mallory House**

Type of application : **S20ZA Dispensation from consultation
requirements**

**Tribunal
member(s)** : **Mrs E Flint FRICS**

Venue : **Remote on the papers**

Date of decision : **20 October 2026**

DECISION

1. Dispensation is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the replacement of two pumps within the foul water pumping station.
2. The question of reasonableness of the works or cost was not included in this application, the sole purpose of which is to seek dispensation.

Background

3. On 9 February 2026 the applicant landlord applied pursuant to section 20ZA of the Landlord and Tenant Act 1985 for dispensation from the statutory consultation requirements in respect of the replacement of the two electrical pumps which were part of the foul water and sewage system serving the block of flats.

The evidence

4. Mallory House is a purpose built block of eight flats constructed c 2019. In January 2026 the managing agents were advised that there was a smell of sewage in the ground floor flats and that the pumps appeared to have no power.
5. Contractors were instructed to investigate the issues and advised that the foul sewage pump was failing and required replacement. A quotation was obtained for the necessary works, which met the Section 20 cost requirements.
6. However, due to the urgent nature of the situation, the works were instructed without completing the formal Section 20 consultation process beforehand. The priority was to address the failing pump promptly and minimise the risk of sewage backing up into the residents' apartments and the communal areas.
7. If the replacement works had been delayed, there was a risk of foul water backing up through the drainage system and entering the building. This could have caused further damage, disruption to residents and additional costs.
8. Leaseholders were made aware of the emergency works required and supported proceeding with the replacement.
9. The Applicant therefore seeks dispensation from the statutory consultation requirements under Section 20 of the Landlord and Tenant Act 1985 because the works were required on an emergency basis and could not reasonably be delayed to complete the usual consultation process.
10. Directions were issued on 29 July 2026.

11. The applicant confirmed that no leaseholder had objected to the work being undertaken.

The law

12. By S20ZA of the 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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

Reasons for the Tribunal’s decision

13. The relevant test to be applied in an application for dispensation was set out by the Supreme Court in Daejan Investments Ltd v Benson & Ors [2013] UKSC 14 where it was held that the purpose of the section 20 consultation procedure was to protect tenants from paying for inappropriate works or paying an inappropriate amount. Dispensation should not result in prejudice to the tenant.
14. I determine from the evidence before me that the work was urgent, any delay could have resulted in damage to the flats and common parts, incurring further costs. No prejudice to the lessees has been demonstrated or asserted.
15. On the evidence before it, and in these circumstances, I am satisfied that the application for dispensation should be granted.

Determination

16. Dispensation is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985 in respect of the replacement of the two pumps in the foul water pumping station.

Signed: Evelyn Flint

20 October 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).