



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

**Case reference:** LON/00AM/LDC/2026/0161

**Property:** 1-52 Ormond House, London,  
N16 0PR

**Applicant:** London Borough of Hackney

**Respondents :** The leaseholders of 13 flats  
within the Property, identified in  
a schedule to the Application

**Type of application:** Dispensation from the  
consultation requirements as set  
out in Section 20ZA of the  
Landlord and Tenant Act 1985

**Tribunal :** Judge Roberts

**Date of Determination :** 20 October 2026

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**DECISION**

**The Tribunal grants the application for retrospective dispensation from statutory consultation in respect of repairs to the lift in Ormond House as further described below.**

**The Applicant shall be responsible for serving a copy of this Decision on each of the Lessees.**

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## Background

1. The Applicant as Freeholder and Landlord to the property seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (the “Act”) for retrospective dispensation from the statutory requirement to consult in respect of qualifying works.
2. The property is a four storey, purpose built block of flats. Qualifying works were conducted in respect of a lift in the building, which had broken down.
3. An inspection indicated that patching was not a good solution to repair the oil leak and replacing the cylinder was recommended.
4. The Applicant considered the breakdown to the single working lift in the building as an emergency, requiring urgent repair.
5. On 7 May 2026 the Applicant wrote to the leaseholders in the property to inform them of the situation. It notified them of its intention to proceed to repair the lift as an emergency (setting out briefly the work involved and likely cost), without further statutory consultation as required under Schedule 3 of the Services Charges (Consultation Requirements) (England) Regulations 2003. The Applicant further stated that it would apply to this Tribunal for dispensation from the Section 20 requirement.
6. The Applicant the proceeded to repair the lift using its contractor, Apex Lift. This company had previously been appointed under a Qualifying Long-Term Agreement in January 2025 following appropriate statutory consultation
7. The Applicant made an Application dated 6 May 2026 to this Tribunal for dispensation from the requirements of Section 20ZA. This Decision therefore relates to that Application.
8. The works were completed successfully in about June 2026 at a cost of about £50,000.
9. Judge Himsworth gave Directions on 4 September 2026.
10. Pursuant to those directions, on 11 September 2026 the Applicant wrote to each of the leaseholders sending them a copy of the Application to the Tribunal and inviting them to reply should they wish to oppose the application.
11. The Applicant, via its Leasehold Consultation and Billing Officer, confirmed by letter dated 14 October 2026 that no representations had been received from any of the Lessees. None were received directly by the Tribunal.
12. Before making this determination, the Tribunal examined the papers to determine whether the issues were capable of determination without an oral hearing and it was decided that they were, given the lack of any challenge.

13. The only issue for determination is whether it is reasonable for the Tribunal to dispense with the statutory consultation requirements.
14. This application does not concern the issue of whether any service charge costs will be reasonable or payable.
15. The Applicant submitted a bundle. The Tribunal has noted the contents.

### **The Law**

16. Section 20 ZA (1) of the Act states:  
*“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.”*
17. In having regard to the question of reasonableness, the Tribunal has considered the extent to which the Lessees would be prejudiced in dispensing of the requirements, for example as to the extent, quality and cost of the works.
18. The Supreme Court provided guidance to the Tribunal in the application of section 20 AA (1) of the Act in case of Daejan Investments Ltd v Benson and others [2013] UKSC 14 (the “Daejan case”). Some of that authority’s principles can be summarised as follows:
  1. The main question for the Tribunal when considering how to exercise its jurisdiction in accordance with section 20ZA is whether there is real prejudice to the tenants flowing from the landlord’s breach of the consultation requirements.
  2. The Tribunal has power to grant a dispensation as it thinks fit, including on terms it considers appropriate.
  3. The legal burden of proof in relation to dispensation applications is on the landlord.
  4. The factual burden of identifying any “relevant” prejudice that they would or might have suffered is on the tenants.
  5. The court considered that “relevant” prejudice should be given a narrow definition; it means whether noncompliance with the consultation requirements has led the landlord to incur costs in an unreasonable amount or to incur them in the provision of services, or in the carrying out of works, which fell below a reasonable standard, in other words whether the non-compliance has in that sense caused prejudice to the tenant.
  6. The more serious and/or deliberate the landlord's failure, the more readily a Tribunal would be likely to accept that the tenants

had suffered prejudice.

7. Once the tenants had shown a credible case for prejudice, the Tribunal should look to the landlord to rebut it.

19. The Tribunal has therefore applied the statutory provisions in accordance with the approach taken in the Daejan case.

### **Representations – The Applicant**

20. The Applicant seeks dispensation as the works were emergency works to ensure the functioning of the only working lift in the building and were placed with a previously approved contractor under a long term agreement.

### **Representations – The Lessees**

21. The Tribunal has not received any objections or representations from the Lessees.

### **Determination**

22. As set out above, the Tribunal may grant dispensation “...if satisfied that it is reasonable to dispense with the requirements”.
23. In making its decision the Tribunal has regard to the extent to which any real prejudice has arisen to the Lessees as a result of the Applicant breaching the consultation requirements.
24. Lessees were notified in May and again in September pursuant to Directions. They are therefore considered to have been given ample opportunity to submit representations should they have so wished.
25. It is apparent from the Application that the required works were necessary. Given that the work was to repair quickly the only lift in the building, the Tribunal considers it was reasonable to dispense with the consultation requirements in this instance.
26. In addition, the Tribunal has not seen any evidence of prejudice arising to the Lessees. They were informed about the works, the likely and then actual cost and the possible impact on these costs on service charge contributions. No complaints or objections from the Lessees have been received.
27. The Tribunal finds that no prejudice to Lessees was caused by the Applicant’s failure to consult.
28. The Tribunal consequently grants dispensation from the remaining consultation requirements of section 20 of the Landlord and Tenant Act 1985 in respect of the works carried out.
29. In granting dispensation, the Tribunal makes no determination in respect as to whether any of the service charge costs are reasonable or payable.

30. The Applicant shall comply with the requirement set out under the section headed “Decision” above.

**Name:** Christopher Roberts

**Date:** 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).