FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AM/LDC/2026/0234**
Applicant	**:**	**Raer Kajaine Living (Homerton) Limited represented by Ringley Law LLP**
Respondent	**:**	**Leaseholders at the Property (no appearance)**
Property	**:**	**32 Homerton Row, London, E9 6ED**
Tribunal **Date of Decision**	**:**	**Judge Adrian Jack** **10th November 2026**

DECISION

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1. By application dated 5th February 2026 the landlord applied for dispensation from the statutory consultation requirements in respect of urgent fire safety works required at the Property. The property comprises eight flats.

2. The application says this:

> "The works were urgently required to ensure the implementation of essential fire safety measures. The compartmentation works were necessary to fire-stop the areas identified in the survey using the correct fire-stopping materials and methods. The works were carried out by Target Maintenance. They commenced on 23 January 2026 and were completed within five days. The total cost of the works was £7,621.20, inclusive of VAT.

3. The Tribunal gave directions on 24th September 2026 which provided for the determination of the matter on the papers, but gave any party the right to apply for an oral hearing. In the event no party did request an oral hearing and accordingly I have determined the matter on the papers.

4. The respondent tenants have not engaged with the directions. The matter thus stands to be determined on the applicant's evidence.

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5. Section 20 of the 1985 Act requires the carrying out of a consultation by a landlord who proposes either to enter a qualifying long-term agreement ("QLTA"), where the cost to a tenant will exceed £100 per annum or to carry out major works where the cost to a tenant will exceed £250. The Service Charges (Consultation Requirements) (England) Regulations 2003 contain detailed provisions as to the steps to be taken by a landlord. Failure to follow the consultation requirements limits the recoverable costs of a landlord under a QLTA to £100 per annum and in respect of major works to £250. The current works constitute major works for the purposes of the consultation requirements.

6. Section 20ZA of the 1985 Act permits a landlord to apply to the 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, [and] the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements."

7. The Supreme Court in *Daejan Investments Ltd v Benson* [2013] UKSC 14, [2013] 1 WLR 854 held (reading from the headnote):

> "that the purpose of a landlord's obligation to consult tenants in advance of qualifying works, set out in the [1985 Act and 2003 Regulations], was to ensure that tenants were protected from paying for inappropriate works or from paying more than would be appropriate; that adherence to those requirements was not an end in itself, nor was the dispensing jurisdiction under section 20ZA(1) of the 1985 Act a punitive or exemplary exercise; that, therefore, on a landlord's application for dispensation under section 20ZA(1) the question for [what is now the First-tier Tribunal] was the extent, if any, to which the tenants had been prejudiced in either of those respects by the landlord's failure to comply; that neither the gravity of the landlord's failure to comply nor the degree of its culpability nor its nature nor the financial consequences for the landlord of failure to obtain dispensation was a relevant consideration for the tribunal; that the tribunal could grant a dispensation on such terms as it thought fit, provided that they were appropriate in their nature and effect, including terms as to costs; that the factual burden lay on the tenants to identify any prejudice which they claimed they would not have suffered had the consultation requirements been fully complied with but would suffer if an unconditional dispensation were granted; that once a credible case for prejudice had been shown the tribunal would look to the landlord to rebut it, failing which it should, in the absence of good reason to the contrary, require the landlord to reduce the amount claimed as service charges to compensate the tenants fully for that prejudice; and that, accordingly, since the landlord's offer had exceeded any possible prejudice which, on such evidence as had been before the tribunal, the tenants would have suffered were an unqualified dispensation to have been granted, the tribunal should have granted a dispensation on terms that the cost of the works be

> reduced by the amount of the offer and that the landlord pay the tenants' reasonable costs, and dispensation would now be granted on such terms.
>
> *Per* Lord Neuberger of Abbotsbury PSC, Lord Clarke of Stone-cum-Ebony and Lord Sumption JJSC. (i) Where the extent, quality and cost of the works were unaffected by the landlord's failure to comply with the consultation requirements an unconditional dispensation should normally be granted…"

8. In the current case I find that the works were urgently required due to the health and safety concerns raised by the failed compartmentalisation. None of the tenants have shown any case that they have been prejudiced by a failure to consult on the applicant's part. In these circumstances, I grant dispensation.

9. It should be noted that this application does <u>not</u> concern the issue of whether any service charge costs will be reasonable or payable.

10. There is no claim in respect of costs.

DETERMINATION

Pursuant to section 20ZA of the Landlord and Tenant Act 1985, the Tribunal grants dispensation from the consultation requirements in respect of the works the subject of the application.

Signed: Judge Adrian Jack **Dated: 10th November 2026**