FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case Reference	**:**	**LON/00BK/LDC/2026/0230**
Property	**:**	**65 Warwick Square, London SW1V 2AL**
Applicant	**:**	**Eynesbury Estates Limited**
Represented by		**Ms Querida Simpson Senior Portfolio Manager EKOR Block Management**
Respondents	**:**	**The leaseholders of the flats within the property**
Type of Application	**:**	**Application under section 20ZA to dispense with consultation requirements for a scheme of Major work**
Tribunal Members	**:**	**Judge Daley**
Date and venue of Paper Determination	**:**	**29 October 2026, remote**
Date of Decision	**:**	**29 October 2026**

DECISION

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Decision of the tribunal

I. The Tribunal makes an order of its own volition under Rule 10 (i) substituting Eynesbury Estate Limited ("the landlord") for Ms Querida Simpson as the applicant in these proceedings.

II. **The tribunal grants dispensation in respect of the major works relating to e remedial works/repairs to the lift drive in the sum of £5882.40.**

III. The dispensation is subject to the terms set out in paragraph (viii) below.

IV. **The Tribunal makes no order for the cost occasioned by the making of the application.**

The application

1. The applicant by an application, made on 6 July 2026 sought dispensation under section 20ZA of the Landlord and Tenant Act 1985 from part of the consultation requirements imposed on the landlord by section 20 of the 1985 Act[1].

2. The premises which are the subject of the application is a large, converted period terrace with seven storeys which contains a common entrance and a lift.

The Background

3. The background to this application is comprehensively set out in the directions dated 27 August 2026, which stated -: "*…The Applicant Ekor Group has applied on behalf of the landlord Eynesbury Estates Ltd for dispensation from the statutory consultation requirements in respect of qualifying works which are remedial works/repairs to the lift drive required to get the lift back in service. The works were advised by the maintenance provider following removal of the drive Tuesday 23rd July 2026 after sending it to a specialist for investigation. Quotation for the works was received on Tuesday 30th July 2026 and the Landlord approval for the works was obtained on 3rd July 2026. The maintenance provider has been instructed on Monday 6th July 2026 and we are awaiting date for the works to be carried out. The estimated cost of the works is £5882.40 including VAT.*

B. The property is said to be a converted terraced residence with self-contained flats of a traditional type Class B construction off the common area. There is one common area, entered at ground floor level that serves all flats, basement storage and service areas. The building contains 12

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[1] See Service Charges (Consultation Requirements) (England) Regulations 2003 (SI2003/1987)

flats over 7 residential floors, often with multiple flights of stairs/landings s between each of the individual residential floors.
C. A section 20 Notice (Stage 1) has been served in accordance with the statutory consultation process. Leaseholders have been advised via letter that the landlord is applying for dispensation from the full section 20 consultation process and why and have been asked to acknowledge /approve the decision.
D. A modified section 20 (Notice) stage 2 has also been served, enclosing the single quotation obtained and advising that the usual observation period will not apply due to dispensation application. The works are urgent due to the inconvenience and disruption of the lift being out of action.

4. The Directions which are dated 27 August 2026, further stated that -: "*The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable (including whether leaseholders are protected from paying such costs by reason of the Building Safety Act 2022 "*
5. The Application was heard on the date stated above, the Tribunal of its own motion ordered that the Landlord be added to the Application as Applicant, and the senior portfolio manager who made the application should be recorded as the representative, pursuant to Rule 10 (i) of the Tribunal Procedure Rules 2013 which states-: (1) The Tribunal may give a direction adding, substituting or removing a person as an applicant or a respondent.*(2) If the Tribunal gives a direction under paragraph (1) it may give such consequential directions as it considers appropriate.*
6. The application sought an order for dispensation of the consultation requirements in respect of the premises, on the grounds that work which is required is urgent, as there were leaseholders and occupants of the building who had mobility issues and without a working lift experienced difficulty and inconvenience in accessing the building.
7. The Directions also provided that -: *Those leaseholders who oppose the application must by 28. September.2026 -: complete the attached form and send it by email to the Tribunal; and Send to the applicant/ landlord by email or post a statement in response to the application with a copy of the reply form by email or by post. They should send with their statement copies of any documents upon which they wish to rely.* The Directions informed the parties that the application would be determined (unless a request was received for a hearing in the seven days commencing 19 October 2026.

The Applicant's case

8. The applicant in their application informed the Tribunal that they had carried out a stage 1 consultation on 3 July 2026 and had advised the occupants of their intention via their managing agent to apply for dispensation of the full consultation requirements by making an application to the Tribunal.
9. On 6 July 2026, the managing agent informed the leaseholders that they had received an estimate for the costs of the work which they intended to accept in the sum of £5882.40 from Kleeman UK, a copy of the estimate was included within the bundle. The letter set out that it was proposed to pay for the work from the reserve fund.
10. Within the same letter the leaseholders were given the option of inspecting the estimate and providing the managing agents with any written observations. The leaseholders were also provided with a proforma letter in which they could, if they chose to, indicate that they were aware of the dispensation application and were prepared to waive the consultation requirements.
11. After the Application was made to the Tribunal the managing agents wrote to the leaseholders on 13 September 2026 and provided details of the application, and the directions which included details of how the leaseholders could object to the application if they chose. In compliance with the directions.
12. The work which was required at the property was as follows-: Fully disassemble unit, replace all electrolytic capacitors, Replace Relays, reflow of dry joints, refurbish power supply module, refurbish pre-drive circuit, refurbish pre-drive circuit, replace driver IC, and perform a full functional test.
13. The Applicant set out that the work was urgent as there were occupants who had limited mobility and needed a functioning lift to be able to access the building. The Tribunal within the hearing bundle which comprised 103 pages, were provided with responses that the Applicant's managing agent had compiled from the leaseholders.
14. Of the six leaseholder who had provided a response, one leaseholder although supportive wanted to know whether alternative quotations had been obtained. The other leaseholders indicated their support, and two expressed concerns about delays to the work being carried out. One leaseholder expressed concern about the impact that the delay was having on them personally, in accessing their property and in arranging for items to be delivered. They indicated that they wished for the work to be carried out without further delay.
15. The Applicant provided the Tribunal with a copy of the lease however the Tribunal has not considered whether the work undertaken is payable in accordance with the terms of the lease.

The Respondent's Case

16. The Tribunal received no written objections a written objection to the costs of the work from the leaseholders.

<u>The tribunal's decision and reason for the decision</u>

I. The Tribunal having considered all the circumstances in this case and has decided to dispense with the consultation requirements.

II. The Tribunal has considered the lease however; it makes no findings as to whether on a proper construction of the lease the sums due are payable by the leaseholders.

III. The Tribunal was provided with one quotation and noted that one of the leaseholders had expressed concern about whether other quotations had been obtained.

IV. The Tribunal noted that its jurisdiction in this matter is limited to the scope as set out in Section 20ZA and as discussed by the court in *Daejan –v- Benson (2013)* which requires the Tribunal to decide on whether the leaseholders would if dispensation is granted suffer any prejudice. The Tribunal has carefully considered the estimate, it has noted that the plan is to use funds which are already available for the work, and that of the leaseholders who have respondent there was support for the work being carried out. The Tribunal also noted the detailed partial consultation which has taken place, which included the managing agent giving the leaseholders the option of inspecting the quotation and making any observations.

V. The Tribunal has not found that the Respondents would suffer prejudice as result of not being consulted under Section 20 of the Landlord and Tenant Act 1985.

VI. Although the Tribunal does not find that there is any prejudice to the dispensation being granted, The Tribunal would note that the limit in its jurisdiction has meant that it has not considered whether the work was within the scope of the repairing covenant in the lease, **as such nothing in the Tribunal's decision deals with the reasonableness or payability under the lease of the work in issue.**

VII. The leaseholders will of course enjoy the protection of section 27A of the 1985 Act so that if they consider the costs of the work are not reasonable (on the grounds set out above or any other ground) they may make an

application to the tribunal for a determination of their liability to pay the resultant service charge.

VIII. **Dispensation is granted on the following terms-: t**he Applicant providing details to the leaseholders of whether any alternative quotations were obtained, details of the quotations, if no quotations were obtained, or the chosen contractor did not provide the lowest quotation, then the rationale for choosing the quotation provided should be detailed. **The documents should be provided on or by 30 November 2026.**

IX. **However, the Tribunal is satisfied that in all the circumstances in this application it is reasonable and subject to VIII being fulfilled grants dispensation**

X. No applications were made for costs before the tribunal.

Judge Daley **Date:** 29.10.2026

Appendix of relevant legislation

Landlord and Tenant Act 1985

Section 27A

(1) An application may be made to a leasehold valuation tribunal for a determination whether a service charge is payable and, if it is, as to -
(a) the person by whom it is payable,
(b) the person to whom it is payable,
(c) the amount which is payable,
(d) the date at or by which it is payable, and
(e) the manner in which it is payable.

(2) Subsection (1) applies whether or not any payment has been made.

(3) An application may also be made to a leasehold valuation tribunal for a determination whether, if costs were incurred for services, repairs, maintenance, improvements, insurance or management of any specified description, a service charge would be payable for the costs and, if it would, as to -
(a) the person by whom it would be payable,
(b) the person to whom it would be payable,
(c) the amount which would be payable,
(d) the date at or by which it would be payable, and
(e) the manner in which it would be payable.

(4) No application under subsection (1) or (3) may be made in respect of a matter which -
(a) has been agreed or admitted by the tenant,
(b) has been, or is to be, referred to arbitration pursuant to a post-dispute arbitration agreement to which the tenant is a party,
(c) has been the subject of determination by a court, or
(d) has been the subject of determination by an arbitral tribunal pursuant to a post-dispute arbitration agreement.

(5) But the tenant is not to be taken to have agreed or admitted any matter by reason only of having made any payment.

Section 20

(1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—
(a) complied with in relation to the works or agreement, or
(b) dispensed with in relation to the works or agreement by (or on appeal from) a leasehold valuation tribunal.

(2) In this section "relevant contribution", in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.

(3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.

(4) The Secretary of State may by regulations provide that this section applies to a qualifying long-term agreement—
  (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
  (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.

(5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
  (a) an amount prescribed by, or determined in accordance with, the regulations, and
  (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with, the regulations.

(6) ☐Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.

(7) ☐Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined.]

1. **S20ZA Consultation requirements: supplementary**

(1) 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 long-term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

(2) In section 20 and this section—
"qualifying works" means works on a building or any other premises, and
"qualifying long term agreement" means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

(3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—
(a) if it is an agreement of a description prescribed by the regulations, or

(b) in any circumstances so prescribed.

(4) In section 20 and this section "the consultation requirements" means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

(a) to provide details of proposed works or agreements to tenants or the

Recognised tenants' association representing them,

(b) to obtain estimates for proposed works or agreements,

(c) to invite tenants or the recognised tenants' association to propose the names of persons from whom the landlord should try to obtain other estimates,

(d) to have regard to observations made by tenants or the recognised tenants' association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—

(a) may make provision generally or only in relation to specific cases, and

(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament. [...]

2. The relevant Regulations referred to in section 20 are those set out in Part 2 of Schedule 4 of the Service Charge (Consultation etc) (England) Regulations 2003.