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

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| **Case reference** | **:** | **LON/00BK/LDC/2026/0189** |
| **Applicant** | **:** | **Southern Land Securities Ltd represented by Together Property Management Ltd** |
| **Respondent** | **:** | **Mr M Langeder, Mr CP Michael and Ms L Shakirzyanova (no appearance)** |
| **Property** | **:** | **20/22 Maddox Street, London W1S 1PS** |
| **Tribunal**<br>**Date of Decision** | **:** | **Judge Adrian Jack**<br>**10th November 2026** |

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**DECISION**

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1. By an application dated 29th May 2026 the landlord applied for dispensation from the statutory consultation requirements in respect of urgent works to prevent blockages at the Property. The property comprises four flats over commercial premises. It was built in about 1903.

2. The application said:

> "We seek dispensation from the Section 20 consultation requirements because this was an emergency flooding incident causing damage to the first-floor flat and the commercial unit below, while also restricting residents' use of essential facilities. It was therefore not possible to complete the statutory consultation process before instructing the emergency works. Following the initial attendance, the flooding reoccurred, requiring further investigations to identify the source of the defect. We therefore seek dispensation as the costs of the emergency works and ongoing investigations exceed the Section 20 consultation threshold, enabling recovery of the reasonable costs incurred in investigating and remedying this recurring drainage defect.

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This application follows an urgent report from the occupier of the first-floor flat concerning a blocked communal drainage system, which caused flooding and damage to the kitchen flooring and water ingress into the commercial unit below. Due to the urgent nature of the incident, an emergency drainage contractor was instructed to attend immediately, and CCTV drainage surveys have since been carried out. As this is a recurring issue, further investigations are required. Our specialist drainage contractors have advised that the blockage does not originate from the main drainage system but is likely due to deteriorated pipework serving the three residential flats. Further investigations are necessary to confirm the extent of the defect and identify the required remedial works.

No Section 20 notices were issued to the leaseholders prior to the works being instructed due to the emergency nature of the situation. However, we wrote to all leaseholders explaining the emergency circumstances following the contractor's advice. Residents were instructed not to use their washing machines, dishwashers, toilets, showers, or baths in order to prevent further flooding and damage to the property. We also informed the leaseholders that, due to the urgent situation, we had appointed a contractor to carry out the emergency works immediately. We further advised that additional investigations would be required to identify the source of the issue due to the recurring flooding. A further email was subsequently issued confirming that an application would be made, as the cost of the works exceeds the Section 20 consultation threshold."

3. The Tribunal gave directions on 21st 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.

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.
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> *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 effect of the blockages on the reasonable enjoyment of the premises. 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 not 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**

## 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).