

FIRST-TIER TRIBUNAL

PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00BA/LDC/2026/0278**
Property	**:**	**1-14 Trafalgar House, 66 Worple Road, Wimbledon, SW19 4BP**
Applicants	**:**	**66 WORPLE ROAD RESIDENTS' ASSOCIATION**
Representative	**:**	**Management Company Services Limited (MCS)**
Respondents	**:**	**The Various Leaseholders identified in the Schedule supplied to the Tribunal**
Representative	**:**	
Type of application	**:**	**An application to dispense with the consultation requirements of section 20 of the Landlord and Tenant Act 1985, pursuant to section 20ZA of the Act**
Tribunal member	**:**	**JUDGE SHAW**
Venue	**:**	**10 Alfred Place, London WC1E 7LR**
Date of decision	**:**	**16th November 2026**

DECISION

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Description of Hearing

This has been a determination on the papers, without an oral hearing, which has not been objected to by the parties. A face-to-face hearing was not held because none of the parties requested such a hearing, and all the issues could be determined on paper. The documents submitted to the Tribunal will, as necessary, be referred to below, and all papers submitted have been perused and the contents considered. The order made is described at the end of these reasons.

Decision of the Tribunal

The tribunal determines that an order dispensing with the consultation provisions under section 20 of the Landlord and Tenant Act 1985, is appropriate in this case, and makes such order.

The Application

1. The application is dated **14th August 2026** and the Applicant seeks a determination pursuant to s.20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act").

The Hearing

2. The Applicant sought a Paper Hearing, which was, as stated above, not objected to by the Respondents.

The Background

3. The Applicant landlord has applied for dispensation from the statutory consultation requirements in respect of works required to the roof of the property. It is asserted that urgent works were required as a result of *"an issue with the pump system, which caused the plump to flood."* A consequence of this was that there was water ingress in particular to flats 12 and 14, but also affecting other flats throughout the property. This, it is

said, was causing deterioration to the fabric of particular flats and the property overall. The number of flats at the property is not identified in the application, but the Tribunal surmises that there are not less than 14, this being the number of flat refenced in the letters produced by the Applicant in the bundle, advising either leaseholders or occupiers of this Application.

4. Directions were given by the Tribunal dated **14th August 2026.** As mentioned, the Applicant has submitted to the Tribunal a bundle of documents, in purported compliance with those Directions. Unfortunately, and in non-compliance with the Directions, the bundle is not paginated. However, within the bundle are invoices dated 22nd September 2026 issued by S.T.A.C Roofing The invoices are laconic in respect of precise identification of the work or materials supplied, but the costs incurred were £6437.59 and £539.25. As understood by the Tribunal, these were the urgent works required to abate the water ingress. They were carried in September this year. However the roof generally requires attention, but the Applicant has been constrained in the extent of work commissioned, through lack of funds.

5. The gist of the Application is that because of the urgency of the works it was not feasible to follow the section 20 consultation protocol. If further deterioration were to be avoided as well as discomfort of those occupying the worst affected flats, speedy action was required.

6. As mentioned, Directions were given by the Tribunal on **24th September 2026**, to the effect that the leaseholders be given notice of this application for dispensation, and offering the chance to object, and to apply for an oral hearing if so desired.

7. No requests for an oral hearing were made, nor any observations from any of the leaseholders, save for one. By email dated 25th October and

appearing at Section 5 of the bundle, the leaseholder of flats 5 and 7 of the building, namely Mr Barry Blackhall states that he wishes to raise concerns about the extent of the dispensation being requested and possible prejudice which may caused to leaseholders financially if they are deprived of the protection of consultation. He stresses that he is not seeking to prevent the necessary repairs or be the cause of further deterioration of the building. He identifies specific information required in order to obtain alternative quotations. He seeks clarification of how the Applicant proposes to proceed. He reserves his right under section 27A of the Act to challenge both the cost and reasonableness of the works already carried out,

The Issues

8. The sole issue in this case is whether the tribunal is satisfied that it is reasonable for the tribunal to dispense with the consultation provisions (section 20 of the Act) which would otherwise have applied to the qualifying works at the property, as described above.

The tribunal's decision

9. The tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, and in respect of the works carried out in September 2026 and referred to in the invoices of S.T.A.C Roofing dated 22nd September 2026 A dispensation order to this effect is therefore made, as set out below.

Brief Reasons for the Tribunal's decision

10. As mentioned, Directions in this case were given on **24th September 2026**. In those Directions, the Respondent leaseholders were given the opportunity both to request an oral hearing and to object to the application for dispensation.. No such request has been received by the Tribunal, nor

has the Tribunal been notified of any objection from any of the leaseholder Respondents, with one exception referred to above. The Tribunal is satisfied on the evidence before it that it was reasonable to act before formal statutory consultation, because of the potential for damage to the property which may have been sustained had the consultation process been followed. It is also satisfied that no prejudice has been caused to the Respondents, as described in the Supreme Court decision of *Daejan Investments v Benson 2013*.

11. The above concern raised by Mr Blackhall was raised on 25th October of this year and after the works which are understood to have been the urgent works, had already been completed. His concerns are that the application is essentially too wide-ranging and puts the leaseholders at financial risk in respect of more extensive roof work in the future and the cost and extent of the work already carried out. At the same time, he stresses as that he has no wish to b the cause of any further damage to the fabric of the property.

12. It seems to the Tribunal on the material before it that Mr Blackhall's concerns are catered for by limiting this dispensation order to the works already carried out. The order is not of an open-ended kind, and works beyond those already completed will have to be the subject of statutory consultation, or a further application. In respect of the cost and reasonableness of the completed works, Mr Blackhall is entitled to make an application of challenge under section 27A of the Act.

13. DECISION

For the reasons set out above, the tribunal determines that it is reasonable to dispense with the consultation provisions of section 20 of the Act, pursuant to section 20ZA thereof, in relation to the roof works referred to in the application as having been completed by S.T.A.C Roofing in September 2026 and at section 5 of the Application Bundle. A dispensation order to this effect is therefore made. It should be understood that nothing in this Decision precludes the entitlement of the Respondents to challenge the cost, quality, reasonableness or payability

of service charges for these works, under the provisions of section 27A of the Act, should they have reason or the desire to do so.

Name: JUDGE SHAW **Date:** 16th 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.