

In 2018, consultation returned to the Court of Appeal in two cases: *Corvan (Properties) Ltd v Abdel-Mahmoud* [2018] EWCA Civ 1102 and *Reedbase Ltd v Fattal* [2018] EWCA Civ 840.

The first appeal considered whether a management agreement was a QLTA. The second concerned qualifying works and, specifically, whether there is a requirement to consult where those works are varied during their execution.

The works in question comprised repairs to a tiled asphalt roof. The landlord consulted, but later increased the scope (and cost) of the works. Should the landlord should have consulted afresh?

The answer in this case was “no”, but, as a matter of principle, it depends. A change from the original works is not determinative in and of itself:

- In all the circumstances, were leaseholders given sufficient information by the original consultation?
- Given the purpose of consultation and the position of other leaseholders who may not object to the changes, would the protection envisaged by the consultation process be materially increased by obtaining new estimates?

