



**PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : LON/00AW/LDC/2025/0860

Property : Flats 1 to 8 Abbots Court, Thackeray Street,
London W8 5ES

Applicant : Thackeray Estates Kensington and Chelsea
Limited

Representative : J B Leitch solicitors

Respondent : The long leaseholders of the flat 1 to 8 Abbots
Court listed in the schedule to the application

Representative : -

**Type of
application** : To dispense with the statutory consultation
requirements under section 20ZA Landlord and
Tenant Act 1985 (the 'Act')

**Tribunal
members** : Judge Pittaway

**Date of
decision** : 25 October 2025

DECISION

DECISION

Description of hearing

This has been a remote hearing on the papers which has been consented to by the Applicant and not objected to by any Respondent. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because no-one requested a hearing and all issues could be determined on paper.

The documents to which the Tribunal was referred are in a bundle of 156 pages which included the application dated 1 November 2024, a lease of one of the flats and the leaseholders' contact details.

The Tribunal has had regard to the above documents and its directions of 29 November 2025 in reaching its decision set out below.

DECISION

The Tribunal grants the application for retrospective dispensation in respect of the subject works ('the works'), namely urgent remedial works to the roof at the Property, including the removal of defective slate coverings, replacement of underlay and battens, renewal of lead flashings and repair to defective brickwork and parapet walls.

This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of liability to pay, for a reason other than non-consultation in respect of the subject works, and the reasonableness and/or the cost of the subject works.

The Application

1. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (the '**Act**') for retrospective dispensation from consultation in respect of the works to the Property.
2. The Applicant seeks dispensation from the consultation requirements on the ground that the works were urgent because of ongoing leaks and potential damage to the Property.
3. The application states that the contractor SDevs Construction Ltd was identified as the preferred contractor following a review of competitive quotations. The application costed the works at £19,146.96 plus professional fees and VAT.

4. The application stated that the Applicant have not provided any consultation notices, as required under Section 20 of the Landlord and Tenant Act 1985, due to the urgency of the works.
5. By directions dated 10 October 2025 (the '**directions**') the Tribunal directed that the Applicant by 17 October 2025 to send each leaseholder, any residential sublessees and any recognized residents' association the application, a brief statement to explain the reason for the application (if not contained in the application) and the directions and display a copy in a prominent place in the common parts of the property, and to confirm to the Tribunal by 20 October 2025 that this had been done. On 20 October 2025 the Applicant confirmed that the application had been posted by first class post and e mailed to all the leaseholders on 17 October 2025 and that the documents had been displayed in a prominent place in the common parts of the Property.
6. The directions provided that if any leaseholder/sublessee objected to the application he/she should do so, to the Applicant and the Tribunal, by 31 October 2025. The Tribunal received no objections and on 3 November 2025 the Applicant stated that it had received none.
7. The directions provided that the Tribunal would decide the matter on the basis of written representations unless any party requested a hearing. No such request has been made.

The Applicant's case

8. The bundle contains a statement of case by the Applicant's solicitors J B Leitch Limited.
9. The Property is described as comprising ten long leasehold residential flats, including flats 1-8 and basement stores. The ground floor houses 8 commercial units. The Property is a five-storey block (excluding the lower ground floor) with a distinctive roofscape featuring Dutch gables and turret detailing.
10. Hallas & Co, Chartered Surveyors, inspected the Property on 7 March 2025. They identified that multiple small or temporary repair jobs had been completed in the past but which were no longer effective. It was not possible to identify one cause of the water ingress. They advised that the only way to ensure full repair and guarantee was to remove and reinstate the mansard felt, batten, tiles, leadwork and render.
11. The only quote in the bundle before the Tribunal is that of SDevs Constructuion Limited but e mails in the bundle indicate that other quotes were obtained.

12. On 17 February 2025 First Port Property Services Limited, the Applicant's managing agents, served a letter on the Respondents notifying them of the Applicant's intention to apply to the Tribunal for dispensation from the consultation requirements under s20ZA, explaining that urgent works were necessary, due to ineffective earlier works and to stop the water ingress affecting Flats 5 and 7. A further (undated) letter explained that the state of the roof was worse than initially assessed, with water ingress affecting habitable areas and parts of the roof structure, not visible during prior works. This stated that the contractor was to be instructed without delay and gave the leaseholders the opportunity of making comments before the application was made to the Tribunal.
13. No objections or representations were received from the Respondents in response to notification of the proposed application to the Tribunal.
14. The Applicant submitted that the scope and need for the works, and the urgency, had been independently verified by the surveyors, that the contract had been placed after obtaining multiple quotes for the works and that the Respondents had been kept informed and given an opportunity to respond meant that the Respondents had suffered no prejudice from the Applicant being unable to satisfy the statutory consultation requirements. The Respondents remain able to challenge the reasonableness and payability of the cost of the works.

Responses from the Respondents

15. The Tribunal received no responses from any Respondent and the Applicant stated that it had received none.

Determination and Reasons

16. Section 20ZA(1) of the Act provides:
"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."
17. The purpose of section 20ZA is to permit dispensation with the consultation requirements of section 20 of the Act if the Tribunal is satisfied that it is reasonable for them to be dispensed with.
18. The Tribunal determines that the Respondents are not prejudiced by the works and it is reasonable to dispense with the consultation requirements.

19. In reaching its decision the Tribunal has considered the decision in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14. It has had regard to the application and the documents provided, in particular the stated need for the works to be undertaken urgently.
20. Whether or not the Respondents are liable for the cost of the works by reason of the terms of their leases, any statutory provision other than section 20ZA, and whether the works are carried out to a reasonable standard and at a reasonable cost are not matters which fall within the jurisdiction of the Tribunal in relation to this present application. This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of liability to pay and the reasonableness and /or cost of the works.

Name: Judge Pittaway Date: 25 November 2025

ANNEX - RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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.
4. 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.