



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

Case reference : **LON/00AM/LDC/2025/0837**

Property : **Victoria Park Estate, Victoria Park Road, London, E9 7HU**

Applicant : **Peabody Trust**

Representative : **Lamberts Surveyors Ltd
*Ref: Stephanie Tarrant***

Respondents : **The leaseholders of the Victoria Park estate as listed in the schedule attached to this application.**

Representative : **N/A**

Type of application : **Dispensation for consultation – s.20ZA of the Landlord and Tenant Act 1985**

Tribunal member : **Judge Tagliavini**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **8 December 2025**

DECISION

Decisions of the tribunal

- (1) The tribunal grants the applicant the dispensation from statutory consultation sought in respect of paving and masonry repairs across common external area of the estate, re-tarmacking to existing area and painting/re-decoration of previously painted elements of the estate.
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The application

1. The applicant seeks dispensation from the statutory consultation requirements pursuant to s.20ZA of the Landlord and Tenant Act 1985 and as specified in the Final Certificate dated 6 May 2025.

The background

2. The subject estate (or part) comprises 7 blocks of 1 to 3 bedroom flats built in the 1970's.
3. The applicant seeks dispensation from consultation in respect of works to paving and for masonry repairs across common external area of the estate, in addition to re-tarmacking to existing area and the painting/re-decoration of previously painted elements of the estate. A Notice of Intention was served on all leaseholders on 15 February 2023 and was followed by a letter dated 6 February 2024 advising leaseholders that the specified works would commence on 4 March 2024. However, due to an administrative error, a Statement of Estimates was not sent to the leaseholders until 12 August 2025 and after the specified works had been carried out.
4. These works formed Phase 3 of a large program of works that was carried out on the subject estate.

The hearing

5. Neither party requested an oral hearing and therefore the tribunal determined the application using the 117 digital bundle provided by the applicant.
6. The applicant confirmed to the tribunal by email dated 6 October 2025 that all leaseholders had been `served with a copy of the application and accompanying information as well as the tribunal's directions.

The decision and reasons

7. The tribunal is satisfied that the respondent leaseholders have been made aware of this application. The tribunal also finds the respondent did not notify the applicant of any objection to this application as per the email to the tribunal dated 5 November 2025.
8. The tribunal accepts that the error in completing the s.20 consultation process for these specified works was due to an administrative error at the final stages. The tribunal finds the leaseholders were however, provided with an opportunity to respond to the Notice Intention and state any objection to these works but did not do so. The tribunal is also satisfied the respondents have not objected to this application and therefore have failed to show they have been caused any substantial prejudice by the absence of any consultation prior to the works being carried out; *Daejan Investments Ltd v Benson & others* [2011] EWCA Civ 38.
8. Therefore, the tribunal grants the dispensation from consultation sought by the applicant in respect of paving and masonry repairs across common external area of the estate, re-tarmacking to existing area and painting/re-decoration of previously painted elements of the estate.

Name:

Judge Tagliavini

Date: 7 December 2025

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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).