



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

Case reference	:	LON/00AQ/LDC/2025/0854
Property	:	239-241 (odd numbers) Christchurch Avenue, Wealdstone, Harrow HA3 5BA
Applicant	:	Team Asset Properties Limited
Representative	:	Junique Lawrence of Together Property Management Ltd, managing agents for the Applicant
Respondents	:	The residential leaseholders of the Property
Type of application	:	Dispensation from compliance with statutory consultation requirements
Tribunal member	:	Judge P Korn
Date of decision	:	25 November 2025

DECISION

Description of hearing

This has been a remote hearing on the papers. An oral hearing was not held because the Applicant confirmed that it would be content with a paper determination, the Respondents did not object and the tribunal agrees that it is appropriate to determine the issues on the papers alone. The documents to which I have been referred are in an electronic bundle, the contents of which I have noted. The decision made is described immediately below under the heading “Decision of the tribunal”.

Decision of the tribunal

The tribunal dispenses unconditionally with the consultation requirements in respect of the qualifying works which are the subject of this application.

The application

1. The Applicant seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“**the 1985 Act**”) from the consultation requirements imposed on the landlord by section 20 of the 1985 Act in relation to certain qualifying works.
2. The qualifying works which are the subject of this application comprise the carrying out of roof repairs to prevent leaking into the flat below.

Applicant’s case

3. The Applicant’s managing agents state that in July 2024 they were contacted by the managing agent of the top floor flat to advise of a leak from the gutters. The gutters were subsequently unblocked, but the managing agent for the top floor flat reported in September 2024 that the flat was still damp.
4. Roofers (Hamilton Roofing) attended again in September 2024 and noted a leak from the chimney stack causing water ingress into the flat below. Hamilton Roofing were then given the go-ahead to proceed with the repair whilst on site to stop any further water getting into the flat below. Works have now been completed and no further complaints or objections have been received.
5. As the works were considered to be urgent, leaseholders were not consulted prior to the works being carried out. Leaseholders have since been notified of the costs and of the subsequent application to seek dispensation.

Responses from the Respondents

6. None of the Respondents has written to the tribunal raising any objections to the dispensation application, and the Applicant states that no objections have been received by it from any of the Respondents.

The relevant legal provisions

7. Under Section 20(1) of the 1985 Act, in relation to any qualifying works *“the relevant contributions of tenants are limited ... unless the consultation requirements have been either (a) complied with ... or (b) dispensed with ... by ... the appropriate tribunal”*.

8. Under Section 20ZA(1) of the 1985 Act “*where an application is made to the appropriate tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements*”.

Tribunal’s analysis

9. The Applicant has explained why the works were considered urgent and why, therefore, it seeks retrospective dispensation from compliance with the statutory consultation process.
10. As is clear from the decision of the Supreme Court in *Daejan Investments Limited v Benson and others (2013) UKSC 14*, the key issue when considering an application for dispensation is whether the leaseholders have suffered any prejudice as a result of the failure to comply with the consultation requirements.
11. In this case, none of the Respondents has expressed any objections in relation to the failure to go through the statutory consultation process, and there is no evidence before me that the leaseholders were in practice prejudiced by the failure to consult. The application has been properly explained, and I accept on the basis of the uncontested evidence before me that the carrying out of the works was urgent for the reasons given.
12. The tribunal has a wide discretion as to whether it is reasonable to dispense with the consultation requirements and, given the relative urgency of dealing with the leaks
13. and the lack of objection from leaseholders, I consider that it is reasonable to dispense with the consultation requirements.
14. As is also clear from the decision of the Supreme Court in *Daejan v Benson*, even when minded to grant dispensation it is open to a tribunal to do so subject to conditions, for example where it would be appropriate to impose a condition in order to compensate for any specific prejudice suffered by leaseholders. However, as noted above, there is no evidence nor any suggestion that the leaseholders have suffered prejudice in this case.
15. Accordingly, I grant unconditional dispensation from compliance with the consultation requirements.
16. It should be noted that this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness of the cost of the works.

Costs

17. There have been no cost applications.

Name: Judge P Korn

Date: 25 November 2025

RIGHTS OF APPEAL

- A. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) a written application for permission must be made to the First-tier Tribunal at the regional office dealing with the case.
- B. 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.
- C. If the application is not made within the 28 day time limit, such application must include a request for extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such reason and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- D. 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.