



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

<b>Case reference</b>	:	<b>LON/00AW/LDC/2025/0886</b>
<b>Applicant</b>	:	<b>Campden Hill Towers Management Limited</b>
<b>Representative</b>	:	<b>Faraday Property Management Limited [CHT- FTT-0925]</b>
<b>Respondent</b>	:	<b>The leaseholders of Campden Hill Towers</b>
<b>Property</b>	:	<b>Campden Hill Towers, 112 Notting Hill Gate, London, W11 3QW</b>
<b>Type of Application</b>	:	<b>Application for the dispensation of consultation requirements pursuant to S. 20ZA of the Landlord and Tenant Act 1985</b>
<b>Tribunal</b>	:	<b>Judge Tueje</b>
<b>Date of decision</b>	:	<b>19<sup>th</sup> January 2026</b>

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**DECISION**

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**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 the 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.

**Decision of the Tribunal**

*In this determination, statutory references relate to the Landlord and Tenant Act 1985 unless otherwise stated.*

- (1) The Tribunal grants dispensation pursuant to section 20ZA in respect of repairs and/or works already carried out, commencing 22<sup>nd</sup> September 2025. This relates to works to prevent panels detaching from the exterior of the building situated at Campden Hill Towers, 112 Notting Hill Gate, London, W11 3QW (“the Property”), including replacement of aged and defective aggregate cladding panels.
- (2) This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A in respect of liability to pay, for a reason other than non-consultation in respect of the subject works, and the reasonableness and/or cost of the subject works.

### **The Application**

1. This Application under section 20ZA, is dated 25<sup>th</sup> September 2025, and seeks dispensation from the statutory consultation requirements in respect of works required at the Property.

### **Background**

2. The Applicant are the managing agents of the Property, and seek dispensation from the statutory consultation requirements in respect of qualifying works.
3. The Property is a purpose-built block of 88 flats understood to have been constructed in the 1970’s which has external cladding defects.
4. The Applicant states that concrete panels attached to the façade of the Property are cracked and falling to the ground, posing a risk of injury to residents and the public.
5. Therefore, the Applicant seeks retrospective dispensation for works to prevent panels detaching from the Property and falling to the ground. The Tribunal has been informed that the Building Safety Regulator BSR has authorised the remedial work which will include replacement of aged and defective aggregate cladding panels.
6. The Applicants state that a Notice of Intention was sent to leaseholders on 12<sup>th</sup> November 2024, works commenced on 22<sup>nd</sup> September 2025 and are expected to take around 5 weeks to complete.
7. As stated, the Application is dated 25<sup>th</sup> September 2025. The Tribunal issued directions on 22<sup>nd</sup> October 2025, including directing the Applicant to send copies of the application form to leaseholders enclosing a Reply form on which leaseholders could make any objections. The Applicant was also directed to submit a paginated bundle.
8. The Applicant notified the Tribunal on 7<sup>th</sup> November 2025 that a copy of the application form had been sent to the leaseholders.
9. On 6<sup>th</sup> January 2026, the Tribunal wrote to the Applicant as follows:

*The Tribunal's Directions are dated 22 October 2025. By Direction 4, the Applicant were to provide by 15 December 2025, a single, digital, indexed and paginated Adobe PDF bundle of all relevant documents for use in the determination of the application*

*The deadline for compliance with this deadline has elapsed, and it appears that you have not complied in the required timeframe.*

*In these circumstances, I Direct that:*

*By 12:00pm on Tuesday 13 January 2026 the Applicant must write to the Tribunal and send a copy to the Respondent confirming:*

- i. If they have complied with Directions and if not, why;*
- ii. What action they intend to take to remedy the breach and*
- iii. Why the application should not be struck out*

*Any representations received on this matter will be referred to a Legal Officer or Judge, who will determine how the case will proceed.*

- 10. Notwithstanding the above, the Applicant has not provided a bundle or any other requested information.
- 11. The unexplained absence of a bundle leaves a number of gaps in the information provided to the Tribunal. For instance the reason for the time that elapsed between sending the Notice of Intention on 12<sup>th</sup> November 2024 and works commencing on 22<sup>nd</sup> September 2025, and the cost of the works.
- 12. Nonetheless, when weighing the Applicant's non-compliance, with the necessity to carry out the works to prevent the risk of injury to residents and the public, I consider it is in the interests of justice to determine the Application based on such information that has been provided, for the reasons stated at paragraphs 18 to 21 below.

### **The Legal Framework**

- 13. So far as is relevant, section 20 states:

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsections (6) or (7) (or both) unless the consultation have been either-*
  - (a) Complied with in relation to the works or agreement, or*
  - (b) Except in the case of works to which section 20D applies, dispensed with in relation to the works or agreement by (or on appeal from) the appropriate tribunal.*

(2) *In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by payment of service charges) to relevant costs incurred on carrying out the works under the agreement.*

(3) *This section applies to qualifying works if relevant costs incurred or on carrying out the works exceed an appropriate amount.*

14. Section 20ZA(1) continues:

*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 or qualifying agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.*

### **The Determination**

15. In making its decision, the Tribunal took into account the information at paragraphs 3 to 6 above.

16. The Tribunal also took into account the guidance in ***Daejan Investments Limited v Benson and others [2013] UKSC 14*** where the Supreme Court held that:

16.1 The purpose of sections 19 to 20ZA is to ensure leaseholders are not required to pay any more than is necessary for services provided, and that they are not required to pay for unnecessary or unsatisfactory services.

16.2 The Tribunal is to focus on the extent to which leaseholders have been prejudiced by a failure to comply with the requirements under section 20.

16.3 Ordinarily, where the failure to comply with section 20 had not affected the extent, quality and costs of the works carried out, dispensation is more likely to be granted.

16.4 The Tribunal’s main focus on such applications is what prejudice, if any, have leaseholders suffered.

16.5 The leaseholders bear a factual burden of identifying some relevant prejudice that they would or might suffer.

16.6 Where leaseholders make a credible case regarding prejudice, the landlord bears the legal burden to rebut this.

16.7 If appropriate, the Tribunal may grant conditional dispensation.

### **The Tribunal’s Decision**

17. The Tribunal grants dispensation pursuant to section 20ZA in respect of the repairs carried out, commencing 22<sup>nd</sup> September 2025, to prevent panels detaching, including replacement of aged and defective aggregate cladding panels.

### **The Tribunal's Reasons**

18. The Tribunal has had regard to the nature of the works and finds the works were both urgent and necessary. Although a breakdown of the costs incurred and the works carried out has not been provided, the Tribunal was informed that there was a risk of injury due to falling masonry if the works were not carried out. It has also been informed that the BSR has authorised the works. Therefore, based on the information provided, the Tribunal considers remedial action was required and that the works are appropriate. These are the primary reasons for granting dispensation.
19. Additionally, the Tribunal takes into account that leaseholders were notified about the Application, and were afforded an opportunity to object to this application, yet they raised no objections. Therefore, the Tribunal proceeds on the basis that the leaseholders have no objections to the application, and that there has been no relevant prejudice to the leaseholders, because it's likely they would have objected to the application if they considered they would be prejudiced by it.
20. The Tribunal has balanced the requirement to consult leaseholders against the need to carry out these repairs promptly. On balance, I have concluded that the need for these repairs for the health and safety of the occupiers and the public justifies granting dispensation.
21. For the reasons stated at paragraphs 18 to 20 above, the Tribunal is satisfied that it is appropriate to grant dispensation from the consultation requirements bearing in mind the Supreme Court decision in ***Daejan Investments Limited v Benson and others [2013] UKSC 14***.

**Name:** Judge Tueje

**Date:** 19<sup>th</sup> January 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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).