



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

Case reference	:	LON/00BG/LDC/2025/0882
Property	:	21-52 Hooper Street, 11-83 (Odd) Back Church Ln, 1-38 Conant Mews and 1-24 Bowman Mews, Tower Hamlets, London E1
Applicant	:	Hooper Square Residents Association Limited
Representative	:	Guillaumes LLP (Pritti Amin)
Respondents	:	Leaseholders of 21-52 Hooper Street, 11-83 (Odd) Back Church Ln, 1-38 Conant Mews and 1-24 Bowman Mews, Tower Hamlets, London E1
Type of application	:	Dispensation with Consultation Requirements under section 20ZA Landlord and Tenant Act 1985
Tribunal member	:	Judge Robert Latham
Venue	:	10 Alfred Place, London WC1E 7LR
Date of decision	:	21 January 2026

DECISION

The Tribunal grants this application to dispense retrospectively with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of partial remediation works to the coping system of Conant Mews which were carried out in 2024.

The Application

1. By an application, dated 23 September 2025, the Applicant applies for retrospective dispensation from the statutory duty to consult in respect of partial remediation works ("the qualifying works") to the coping system of Conant Mews which were carried out in 2024. The approximate cost of the works is £180,000. This was funded from the reserve fund.
2. The application relates to 131 properties in respect of Conant Mews (38 flats), Bowman Mews (24), Hooper Street (32) and Back Church Ln (37). The properties were built in the 1980s and various leases were granted between 1991 and 1993. The Applicant has provided copies of the leases for 42 Hooper Street (dated 1 July 1993), 73 Hooper Street (25 February 1993), 119 Hooper Street (2 June 1993) and 88 Hooper Street (28 May 1991).
3. The qualifying works were carried out due to an ingress of water. On 28 June 2024, John Farquharson Partners Ltd ("John Farquharson") carried out a visual inspection. Extensive cracking was noted to the brickwork. Walls were bowed and were coming away from the superstructure. In July 2024, the Applicant obtained a structural survey from John Farquharson and a Brickwork Report from Gary Morris. An extensive package of works was recommended to the brickwork. Due to the urgent nature of the works and associated health and safety risks, the Applicant's Board agreed to proceed with the recommended works without delay. None of the leaseholders objected to this.
4. On 12 June 2024, Gary Morris started the recommended works. On 10 October 2024, John Farquharson inspected the works and confirmed that the works had been carried out to a high standard. The Applicant has provided a number of photographs illustrating the state of the brickwork both before and after the works.
5. At an AGM on 26 March 2025, the Applicant discussed the works with its members. None of the leaseholders objected to the works. The Applicant has made this application so that funds can be sought to replenish the reserve fund. The need for similar works to be executed to other buildings on the Estate have now been identified. The Applicant will be consulting on these.
6. On 14 October 2025, the Tribunal issued Directions. The Directions stated that the Tribunal would determine the application on the papers, unless any party requested an oral hearing.
7. By 23 October 2025, the Applicant was directed to send to the leaseholders by email, hand delivery or first-class post: (i) copies of the application form (excluding any list of respondents' names and

addresses) unless already sent by the applicant to the leaseholder/sublessee; (ii) if not already provided in the application, a brief statement to explain the reasons for the application; and (iii) the directions. The Applicant was further directed to display a copy of these in a prominent place in the common parts of the property.

8. By 13 November 2025, any leaseholder who opposed the application was directed to complete a Reply Form which was attached to the Directions and send it both to the Tribunal and to the Applicant. The leaseholder was further directed to send the Applicant a statement in response to the application.
9. One leaseholder has objected to this application. On 19 October 2025, Mr Yuchen Wang, the leaseholder of 51 Back Church Lane, objected to the application. He requested an oral hearing. He raises four issues to which the Applicant responded on 27 October:
 - (i) Lack of proper communication and transparency: The Applicant has provided no evidence that the works were urgent. Leaseholders were given no opportunity to comment on or challenge the proposed expenditure.
 - (ii) Concerns about the appointed contractor (G Morris): He complains about the quality of the work that Mr Morris carried out to his flat. The Applicant responds that this is not relevant to the current application. The Tribunal notes that John Farquharson inspected the works and confirmed that the works had been carried out to a high standard.
 - (iii) Failure to provide adequate engagement opportunities for leaseholders: This is a general complaint about how the Applicant manages the Estate. Communication is limited to the AGMs. Physical attendance is required at AGMs. There is no online option. The Respondent replies that this is not the forum to deal with these internal matters which are a matter for the Applicant.
 - (iv) The Reasonableness of dispensation: He concludes that given failures in communication, contractor selection, and consultation, it would not be reasonable to grant dispensation. Leaseholders were deprived of any opportunity to scrutinise the cost, quality, and necessity of the works. The claimed urgency does not justify the complete absence of transparency or proper process.
10. On 22 October 2025, Mr Wang applied for an order requiring the Applicant to circulate his objection to all lessees. Although they had no obligation to do so, the Applicant sent it to all Respondents. On 28 October 2025 Mr Wang made a further application, objecting to the way in which his objection had been circulated and asking for further orders requiring the Applicant to clarify Mr Wang's objections to all

Respondents. On 4 November 2025, a Procedural Judge refused this application. He could see no reason why the Applicant should be obliged to circulate a Respondent's case to other Respondents. If other Respondents wished to make their own objections or co-ordinate their objections with other Respondents, they were free to do so. He did not consider it appropriate to direct an oral hearing.

11. On 26 November 2025, the Applicant provided a Bundle of Documents (140 pages). The Applicant has provided "various quotes and invoices for repairs" at p.119-140 of the Bundle. The Applicant does not address how the total cost of the works has been computed at £180,000 or what steps were taken to test the market.

12. Section 20ZA (1) of the Act provides:

“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 long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

13. Guidance on how a Tribunal should exercise its discretion was provided by the Supreme Court in *Daejan Investments Ltd v Benson* [2013] UKSC 14; [2013] 1 WLR 854. Sections 19 to 20ZA of the Landlord and Tenant Act 1985 are directed towards ensuring that tenants are not required to (a) pay for unnecessary services or services which are provided to a defective standard (section 19(1)(b)) and (b) pay more than they should for services which are necessary and are provided to an acceptable standard (section 19(1)(b)). Sections 20 and 20ZA are intended to reinforce and give practical effect to these two purposes. Dispensation should not be refused because the landlord has seriously breached, or departed from, the statutory requirements. The adherence to these requirements is not an end in itself. Neither is dispensation a punitive or exemplary exercise. The requirements are a means to an end; the end to which tribunals are directed is the protection of tenants in relation to unreasonable service charges. The requirements leave untouched the facts that it is the landlord who decides what works need to be done, when they are to be done, who they are to be done by, and what amount is to be paid for them. A tribunal should focus on the extent, if any, to which the tenants have been prejudiced in either respect by the failure of the landlord to comply with the Requirements. The only question that the tribunal will normally need to ask is whether the tenants have suffered “real prejudice”. The tenants' complaint will normally be that they were not given the requisite opportunity to make representations about proposed works to the landlord. Accordingly, the tenants have an obligation to identify what they would have said, given that their complaint is that they have been deprived of the opportunity to say it. Indeed, in most cases, they will be better off, as, knowing how the works have progressed, they will have the added benefit of wisdom of hindsight to assist them before the tribunal. If prejudice is established, a tribunal

can impose conditions on the grant of dispensation under section 20(1)(b). Where the extent, quality and cost of the works are unaffected by the landlord's failure to consult, unconditional dispensation should normally be granted.

14. **The only issue which this Tribunal has been required to determine is whether or not it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.**
15. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the statutory consultation requirements. The Applicant did not follow the statutory duty to consult because of the urgent need for the works. Only one, out of 131 leaseholders, has objected. Mr Wang has not established any real prejudice. The Applicant took professional advice. In the circumstances, it is appropriate to grant dispensation without any conditions.
16. The Directions make provision for the service of the Tribunal's decision. The Tribunal will email a copy of its decision to the Applicant. The Applicant is responsible for serving a copy of the Tribunal's decision on the Respondents.

**Judge Robert Latham,
21 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 **by e-mail** 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).