



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

**Case reference** : **LON/ooBK/LDC/2025/0906**

**Property** : **Harcourt House, 19 Cavendish Square,  
London, W1G 0PL**

**Applicant** : **HH Tenants Management Limited**

**Representative** : **Encore Estate Management Limited  
(Levi O'Brien)**

**Respondents** : **The 25 leaseholders at Harcourt House**

**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** : **8 January 2026**

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**DECISION**

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The Tribunal grants these applications to dispense with the consultation requirements imposed by section 20 of the Landlord and Tenant Act 1985 without condition in respect of works to the roof, front elevation, gutters and channels at Harcourt House.

## **The Application**

1. By an application dated 8 October 2025, the Applicant applies for dispensation from the statutory consultation requirements in respect of Harcourt House, 19 Cavendish Square, London, W1G 0PL. This is a listed Edwardian Mansion Block built in 1907 consisting of 25 flats and a medical centre.
2. There has been an active leak into Apartments 10, 11, 14, 15, 23 and 24 as and when there is rainfall. The managing agents instructed a contractor to attend and they have identified that the issue in flat 14 is likely to be related to inadequate drainage due to misaligned front elevation gutters and channels between levels 4 and 5. The leak into flat 23 is due to roof issues. The only safe way to access the roof to complete full investigations is by erecting scaffolding (there is no direct roof access/safety equipment and as this is a listed building, this cannot be installed). As the leaks into all apartments are going in from the front elevation of the building, scaffolding is required to be able to complete external leak investigations.
3. The only consultation with leaseholders has been as part of the dispensation process. The managing agents have obtained two quotations for the scaffolding installation and have proceeded with Bourne Construction on the basis that they provided the lower quotation and the fact that there is high volumes of water entering the apartments as and when there is rain. The insurers have been notified, but the managing agents do not believe that the remedial works will be covered by insurance.
4. On 5 November 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. No party has done so.
5. By 14 November, 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; and (ii) the directions. The Applicant was further directed to display a copy of these in a prominent place in the common parts of the property. The Applicant has confirmed that it has complied with this Direction.
6. By 28 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. No leaseholder has returned a completed Reply Form opposing the application. A number of the Respondents have raised queries to which the managing agents have responded.

7. The Applicant has provided a Bundle of Documents (23 pages) in support of the application and the leases in respect of Apartments 14 and 15.

8. 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.”

**9. 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.**

10. The Tribunal is satisfied that it is reasonable to grant retrospective dispensation from the full statutory consultation requirements. This is justified by the urgent need for the roof works. There is no suggestion that any prejudice has arisen. In the circumstances, it is appropriate to grant dispensation without any conditions.

11. 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  
8 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).