



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

|                              |          |                                                                                                                                          |
|------------------------------|----------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case reference</b>        | <b>:</b> | <b>LON/00AW/LDC/2025/0892</b>                                                                                                            |
| <b>Applicant</b>             | <b>:</b> | <b>Trustees of the Pitt Kensington Estate-<br/>John Richard Simonds and Peter<br/>John Miller Scott</b>                                  |
| <b>Respondent</b>            | <b>:</b> | <b>The leaseholders of 30 Campden<br/>Grove London w8 4JQ</b>                                                                            |
| <b>Property</b>              | <b>:</b> | <b>30 Campden Grove London w8 4JQ</b>                                                                                                    |
| <b>Type of Application</b>   | <b>:</b> | <b>Application for the dispensation of<br/>consultation requirements pursuant<br/>to S. 20ZA of the Landlord and Tenant<br/>Act 1985</b> |
| <b>Tribunal</b>              | <b>:</b> | <b>Tribunal Judge N O'Brien<br/>Ms J Rodericks MRICS</b>                                                                                 |
| <b>Date of determination</b> | <b>:</b> | <b>2 March 2026</b>                                                                                                                      |

---

**DECISION**

---

**Decision of the tribunal**

1. The Tribunal grants the application for dispensation from the statutory consultation requirements in respect of the subject works namely repairs to the front elevation and roof of the building required to make it watertight.
2. The Applicants or at least one of them must sent written confirmation to the tribunal that they have nominated Sloane Asset Management Ltd to act as their representative in these proceedings by 2 April 2026.

**The Application**

1. By an application sent to the tribunal by the Applicant's managing agent on 3 October 2025, the Applicants have applied pursuant to section 20ZA of the Landlord and Tenant Act 1985 (LTA 1985) for dispensation from the statutory consultation requirements in respect of repair works to Campden Grove London W8 4JQ. The Applicants are the joint landlords. The building is a converted house constructed in about 1800 which has three flats in the main building and a further two in the basement. The Respondents are the leasehold owners of the 3 flats in the main building with the basement flats retained by the landlords.
2. The Application is made and signed on the Applicants' behalf by their managing agent. The Applicants' attention is drawn to Rule 14 of the Tribunal Procedure (First Tier Tribunal) Rules 2013 which provides

*14.—(1) A party may appoint a representative (whether legally qualified or not) to represent that party in the proceedings.*

*(2) If a party appoints a representative, that party must send or deliver to the Tribunal and to each other party written notice of the representative's name and address.*

3. The Applicant seeks dispensation from the statutory consultation requirements in relation to the cost of repairs to the roof and front elevation of the building to make it watertight. The works have been completed. According to an email sent to the leaseholders on 23 October 2025 the cost of the works was anticipated to be £2,500 plus VAT excluding professional fees. According to the application a notice of intention was issued to the leaseholders when the application for dispensation was sent to the tribunal.
4. By directions dated 22 October 2025 the Tribunal directed that the Applicant should, by 10 December 2025, send to the leaseholders and the residential sub-lessees and any recognised tenants association the application, a brief statement explaining the reasons for the application if not already contained in the application, and the directions, by email or post and affix them to a prominent place in the common parts of the property, and confirm by 17 December 2025 that this had been done.
5. By email dated October 2025 Mr Inigo Lendrum of the Applicant's managing agent confirmed that he had complied with the directions for service.
6. The directions provided that if any leaseholder or sublessee objected to the application, he or she should inform the Applicant and the tribunal by 19 November 2026 with any reply by the Respondent to be filed and served by 3 December 2025. The tribunal did not receive any objections to the Application.
7. The directions provided that the tribunal would decide the matter on the basis of written representations unless any party requested a hearing. Neither the Applicant nor any of the Respondents have requested a hearing.

8. The Applicant's agent has filed a bundle for use in the determination. In addition to the application it includes the lease for one of the apartments in the building, the previous directions and an email sent to the leaseholders as set out above.
9. **This determination relates to the works described in the application. It does not concern the reasonableness of the cost of those works nor whether the cost of the works is recoverable from the leaseholders as a service charge for any reason other than non-compliance with section 20 of the Landlord and Tenant Act 1985.**

### **Legal Framework**

10. The Service Charges (Consultation Requirements) (England) Regulations 2003 set out the consultation process which a landlord must follow in respect of works which will result in any leaseholder contributing more than £250 towards the cost. In summary they require the Landlord to follow a three-stage process before commencing the works. Firstly the Landlord must send each leaseholder a notice (usually referred to as a stage 1 notice) of intention to carry out the works and give the leaseholders 30 days to respond. Then the Landlord must supply the leaseholders with a statement with least two estimates for the carrying out of the proposed works, and permit a further 30-day period for observations. Then, if the landlord does not contract with a contractor nominated by the leaseholders or does not contract with the contractor who has supplied the lowest estimate, it must serve a further notice explaining why.
11. Section 20ZA of the LTA 1985 provides:

*“Where an application is made to the appropriate tribunal for a determination to dispense with any or all 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”.*
12. In *Dejan Investments Ltd v Benson and others* [2013] UKSC 14 the Supreme Court held that in any application for dispensation under s20ZA of LTA 1985 the Tribunal should focus on the extent, if any, to which the leaseholders are or would be prejudiced by either paying for inappropriate works or paying more than would be reasonable as a result of the failure by the landlord to comply with the Regulations. The gravity of the landlord's failing or the reasonableness of its actions are only relevant insofar as they are shown to have caused such prejudice. The evidential burden of identifying relevant prejudice lies on the tenants but once they have raised a credible case of prejudice, the burden is then on the landlord/applicant to rebut it.

### **The Decision**

13. The Tribunal determines that it is reasonable to grant the dispensation sought. The works were somewhat urgent due to the risk of further water damage to

the interior of the building and there is no evidence of any prejudice to the leaseholders who have not in any event responded to the application.

14. This determination does not affect the rights of the leaseholders to apply for a determination under s27A of the LTA 1985 in respect of the cost of the works, or the cost of these proceedings, save as to the question of compliance with the consultation requirements.
15. The Applicant is reminded that, as stated in paragraph 12 of the directions, it is the responsibility of the Applicant to serve a copy of this decision on all the affected lessees.

**Name:** Judge N O'Brien

**Date:** 2 March 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).