



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

Case reference : LON/00BK/LDC/2025/0935

Applicant : Uniq Block Management Limited

Respondent : All long leaseholders

Property : 123 Westbourne Park Road, London,
W2 5QL

Tribunal : Judge Tueje
Ms C Barton MRICS

Date of decision : 1st April 2026

DECISION

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

Decision of the Tribunal

- (1) The Tribunal grants unconditional dispensation pursuant to s.20ZA in respect of investigating and remedying water ingress at the Premises (the “Works”). The Works were carried out by Advanced Damp Limited, costing £4,511.70, including VAT.

The Application

1. This Application under section 20ZA, is dated 4th November 2025, and seeks dispensation from the statutory consultation requirements in respect of the Works required at 123 Westbourne Park Road, London, W2 5QL (the “Premises”).

Background

2. The Premises are an Edwardian former terrace house, which has been converted into 5 flats.
3. The Applicant, Uniq Block Management Limited, is the managing agent appointed by the Landlord. The Landlord is Acrecourt Limited.

4. The Applicant e-mailed leaseholders on 16th September 2025, 2nd October 2025 and 4th November 2025 to notify them about the need for investigations and remedial works, and also of its intention to apply to the Tribunal requesting dispensation from the statutory consultation requirements.

5. In the application form, the Applicant gives the following account regarding the Works:

Flat A reported a serious damp and mould problem in her hallway coming from above (she is the basement flat). We subsequently instructed Advanced damp to attend and carry out a damp survey, which found that the moisture ingress was entering via the boxed in section in the study wall, and that a borescope assessment would be required.

This was instructed and completed, but found that no leaks were present, and that further intrusive works were required to determine the source of the ingress.

The quote included making good following the intrusive works which included removing plasterboard from the affected area and weatherproofing the area - completed on 17/10/2025.

6. As to whether there was any consultation with leaseholders, the application form continues:

An e-mail had been sent to leaseholders on 16/09/2025 to inform them of our intention to proceed with the works without delay and apply to the FTT, due to insurers declining the claim.

A further e-mail was sent on 02/10/2025 to provide an update of the survey findings, and that a further assessment was required, ...

A final e-mail has been sent... to all leaseholders to advise them of the final determination of the cause of the issue...

7. On 2nd December 2025 the Tribunal issued directions, including directing the Applicant to send a copy of the application and the directions to all leaseholders, and brief reasons for making the application, as well as displaying a copy of these in a prominent place in the communal parts of the Premises. The Tribunal also directed the Applicant to e-mail the Tribunal to confirm it had done so. On 10th December 2025 the Applicant e-mailed the Tribunal confirming it had complied with these directions.

8. The directions made provision for any Respondents who opposed the application to e-mail the Applicant and the Tribunal with their objections. Further, the Applicant was directed to prepare a bundle to include any objections received to the application, or confirmation that it had received no responses.

9. The Tribunal was provided with a 90-page bundle including the following documents:

- 9.1 The application form requesting the section 20ZA dispensation;
 - 9.2 Various e-mail exchanges, including between the Applicant and Advanced Damp Limited regarding the investigations and the Works;
 - 9.3 The Tribunal's directions order dated 2nd December 2025; and
 - 9.4 A sample lease.
10. The bundle's index contained a declaration that no objections had been received from the Respondents. No objections have been sent to the Tribunal either.
 11. However, the bundle did not include a quotation for the Works (actually carried out), nor did it include an invoice. Therefore, the Tribunal issued a directions order requiring the Applicant to provide a copy of the final invoice.
 12. The Applicant failed to comply with that order, and failed to respond to two reminders sent. The Applicant only provided the requested invoice when the Tribunal issued notice that it was minded to strike out the application.
 13. The Tribunal finds that the manner in which the Applicant has conducted this application is unacceptable. An application for dispensation arises where the statutory consultation requirements have not been complied with. While there may be circumstances in which a failure to follow the statutory process is justifiable, a professional managing agent should have no difficulty in making an application for dispensation that includes all relevant and necessary information.
 14. In particular, it ought to have been evident that an estimate or invoice evidencing the cost of the works was required. If this was not appreciated at the outset, the invoice should have been provided in compliance with the Tribunal's directions, or at the very least promptly following the reminders issued. It should not have been necessary for the Tribunal to issue a "minded-to-strike-out" notice before its directions were complied with.
 15. The manner in which this application has been pursued has resulted in an unnecessary expenditure of the Tribunal's judicial and administrative resources. However, as the requested information has now been provided, we do not consider it would be in the interests of justice to strike out the application.
 16. The invoice provided by the Applicant shows that the qualifying works cost £4,511.70 including VAT. It is unclear whether the works are guaranteed, which would normally be the case with works of this nature. If the works are not guaranteed that is only likely to be relevant if the works fail within the standard guarantee period. Should that happen, it may raise issues regarding the reasonableness of the cost of any further works that may be required.

The Legal Framework

17. 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.

18. 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.

19. In ***Daejan Investments Limited v Benson and others [2013] UKSC 14*** the Supreme Court provided the following guidance when dealing with section 20ZA applications for dispensation of the statutory consultation requirements:

19.1 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.

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

19.3 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.

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

- 19.5 The leaseholders bear a factual burden of identifying some relevant prejudice that they would or might suffer.
- 19.6 Where leaseholders make a credible case regarding prejudice, the landlord bears the legal burden to rebut this.
- 19.7 If appropriate, the Tribunal may grant conditional dispensation.

The Tribunal's Decision

20. We have reached our decision after considering the documents provided.
21. The Tribunal grants unconditional dispensation pursuant to s.20ZA in respect of the Works required at the Premises, which were carried out by Advanced Damp Limited, costing £4,511.70, including VAT.

The Tribunal's Reasons

22. We consider the Works carried out were necessary. We also accept the Applicant considered the Works were urgent due to what is described as the rapid progression of damp and mould, and that it was concerned it could cause a health and safety risk to anyone residing in the basement flat.
23. We remind ourselves that, central to whether it is appropriate to exercise discretion to dispense with consultation is whether there has been any relevant prejudice to leaseholders.
24. Further, leaseholders have an evidential burden of identifying some relevant prejudice they have or would suffer.
25. By paragraph 2 of the directions order, the Respondents were afforded an opportunity to object to this Application, including by sending any objections to the Tribunal. We take into account that none of the Respondents raised objections. This indicates the Respondents do not consider that it is likely they have suffered prejudice, as it's likely they would have objected to the application if there had been any prejudice to them.
26. We are satisfied that the Respondents have had sufficient notice of the Works as a result of the e-mails sent to them, and adequate notice of the application. We also consider that by paragraph 2 of the directions order, they have been given an opportunity to respond to the application if they wished to.
27. There is no indication that the absence of consultation has impacted the extent, quality or cost of the Works.

28. We also take into account that there has been a degree of informal consultation as a result of the Applicant's e-mails to residents in September, October and November 2025.
29. We have no grounds to consider there is cause to criticise this course of action, but also note leaseholders still have available to them an application regarding the payability and/or reasonableness of the cost of the Works under section 27A, if they see fit.
30. In the circumstances, and in light of the decision in *Daejan*, we are satisfied that it is reasonable to grant dispensation from the consultation requirements.
31. We should make it clear that we are not making any findings as to the reasonableness, the cost, or the standard of the Works.

Name: Judge Tueje

Date: 1st April 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).