



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

Case reference	:	LON/00BK/LDC/2026/0031
Property	:	31-33 Monmouth Road, London W2 4UT
Applicant	:	31-33 Monmouth Road RTM Company Limited
Representative	:	Hayden Scott of Warwick Estates, managing agents for the Applicant
Respondents	:	The residential leaseholders of the Property
Type of application	:	Dispensation from compliance with statutory consultation requirements
Tribunal member	:	Judge P Korn
Date of decision	:	29 April 2026

DECISION

Description of hearing

This has been a remote hearing on the papers. An oral hearing was not held because the Applicant confirmed that it would be content with a paper determination, the Respondents did not object and the tribunal agrees that it is appropriate to determine the issues on the papers alone. The documents to which I have been referred are in an electronic bundle, the contents of which I have noted. The decision made is described immediately below under the heading “Decision of the tribunal”.

Decision of the tribunal

The tribunal dispenses unconditionally with the consultation requirements in respect of the qualifying works which are the subject of this application.

The application

1. The Applicant seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“**the 1985 Act**”) from the consultation requirements imposed on the landlord by section 20 of the 1985 Act in relation to certain qualifying works.
2. The qualifying works which are the subject of this application comprise the replacement of deteriorating and potentially mouldy carpet.

Applicant’s case

3. The Applicant’s managing agents state that leaseholders reported that the carpet was deteriorating and potentially mouldy in July. The director of the development was heavily pregnant and raised concerns that the carpet might be detrimental to the health of a newborn baby. Because of the urgency, the director funded a carpet replacement with her own funds on 23rd July 2025.
4. Following completion of the carpet replacement, and the director’s return to directorial duties after her pregnancy, the director sought retrospective compensation for the cost of these works.
5. The managing agents liaised with the director and with the rest of the leaseholders via a collaborative email chain in relation to the carrying out of these works. No objections were raised to the proposal for the carpet to be replaced as a matter of urgency due to the potential health concerns with the state of the carpet and the imminent birth of the director’s baby.

Responses from the Respondents

6. Whilst the hearing bundle contains an email from Neal Brown (one of the leaseholders) expressing general discontent with the management of the Property, neither Mr Brown nor any of the other Respondents has written to the tribunal raising any objections to the dispensation application.

The relevant legal provisions

7. Under Section 20(1) of the 1985 Act, in relation to any qualifying works *“the relevant contributions of tenants are limited ... unless the consultation requirements have been either (a) complied with ... or (b) dispensed with ... by ... the appropriate tribunal”*.
8. Under Section 20ZA(1) of the 1985 Act *“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..., the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements”*.

Tribunal’s analysis

9. The Applicant has explained why the works were considered urgent and why, therefore, it seeks retrospective dispensation from compliance with the statutory consultation process.
10. As is clear from the decision of the Supreme Court in *Daejan Investments Limited v Benson and others (2013) UKSC 14*, the key issue when considering an application for dispensation is whether the leaseholders have suffered any prejudice as a result of the failure to comply with the consultation requirements.
11. In this case, none of the Respondents has expressed any objections in relation to the failure to go through the statutory consultation process, and there is no evidence before me that the leaseholders were in practice prejudiced by the failure to consult. The application has been properly explained, and I accept on the basis of the uncontested evidence before me that the carrying out of the works was urgent for the health reasons given.
12. The tribunal has a wide discretion as to whether it is reasonable to dispense with the consultation requirements and, given the relative urgency and in particular the lack of objection from leaseholders, I consider that it is reasonable to dispense with the consultation requirements.
13. As is also clear from the decision of the Supreme Court in *Daejan v Benson*, even when minded to grant dispensation it is open to a tribunal to do so subject to conditions, for example where it would be appropriate to impose a condition in order to compensate for any specific prejudice suffered by leaseholders. However, as noted above, there is no evidence nor any suggestion that the leaseholders have suffered prejudice in this case.

14. Accordingly, I grant unconditional dispensation from compliance with the consultation requirements.
15. It should be noted that this determination is confined to the issue of consultation and does not constitute a decision on the reasonableness of the cost of the works.

Costs

16. There have been no cost applications.

Name: Judge P Korn

Date: 29 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).