



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

<b>Case Reference</b>	<b>: MAN/36UD/LDC/2023/0046</b>
<b>Property</b>	<b>: Spofforth Hall, Nickols Lane, Spofforth, Harrogate HG3 1WE</b>
<b>Applicant</b>	<b>: Spofforth Hall Management Company Limited</b>
<b>Respondents</b>	<b>: 18 Long Leaseholders – listed in the Schedule</b>
<b>Type of Application</b>	<b>: Landlord &amp; Tenant Act 1985 – Section 20ZA</b>
<b>Tribunal</b>	<b>: Tribunal Judge A M Davies Tribunal Member J Elliott MRICS</b>
<b>Date of Decision</b>	<b>: 19 December 2023</b>

---

**DECISION**

---

The application is dismissed.

**REASONS**

1. The Applicant seeks an order under section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) that the consultation requirements of section 20 of the Act be dispensed with in relation to expenditure incurred in May 2023.
2. Around 6 May 2023 the Applicant was required to take urgent steps to remove a swarm or nest of honey bees from the common parts of Spofforth Hall (“the Property”) and to have repointing works undertaken in order to prevent a further incursion of bees. The work was carried out in the loft and cavity wall

near to apartment 10 and cost £3750. The location of apartment 10 and the area affected by the bees was not disclosed to the Tribunal.

3. There are 18 dwellings at the Property. Some are flats and some are described as detached houses. The numbers of each are unknown. The Tribunal was provided with a sample lease (of unit 8H). There is no indication that the leases of the other 17 dwellings contain materially different terms. The lease refers to a “Hall Building” not otherwise defined. The Tribunal has not been told which of the Respondents live in flats, and which occupy houses.
4. The lease provides that the leaseholder is to pay 5.556% (one eighteenth) of the expenses listed in Schedule 9 of the lease. Those obligations would include removal of the bees and steps taken to prevent their return.
5. The Applicant named all 18 leaseholders as Respondents to the application. Nothing in the lease suggests that some of the leaseholders might be obliged to pay for maintenance costs incurred in relation to part only of the Property, or that management expenses were not divided equally between the leaseholders via the service charge provisions in their leases.
6. The Applicant states that only 10 (unidentified) leaseholders were obliged to contribute to the cost of removing the bees. If this were so, each of the 10 would be required to contribute £375, the consultation requirements of the Act would be triggered and the present application would be justified. Since under the terms of their leases each Respondent is obliged to contribute no more than one eighteenth of the cost (£208.34), section 20 of the Act does not apply, no consultation was required, and the present application is unnecessary.

## **Schedule – the Respondents**

1. B R Baillie & K Skelley
2. J A Chothia
3. P K Moscrop-Young & G R Moscrop-Young
4. M Dawson
5. C J Dickinson
6. The estate of the Late Mrs M Scott
7. Mr & Mrs Deacey
8. M Robinson
9. Mr & Mrs Kirby
10. Mr & Mrs Grant
11. H M Pallister
12. T P Redmond & A J L Shaw
13. R M Lurcuck
14. S R Holden & B C Holden
15. Mr Andrew Evans and Mr John Robson
16. Mr & Mrs Walton
17. W B Vure
18. R M Brown