



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

Case Reference	: HAV/43UF/LDC/2025/0611/EMG
Property	: 16-18 Station Road, Redhill, Surrey, RH1 1NZ
Applicant	: Freehold Managers PLC
Representative	: Premier Estates Limited
Respondent	: Miss C J Witcombe (Flat 1) Mr S K Darragh (Flat 2) Mr I Chong & Mr D Hill (Flat 3) Mr C Green (Flat 4) Mr & Mrs Amin (Flat 5) Mr K Peacock & Mrs C Peacock (Flat 6) Mr C Green (Flat 7) Mr S Domah & Ms J Rampersad (Flat 8) Mr & Mrs Scacca (Flat 9)
Representative	: N/A
Type of Application	: To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985
Tribunal	: Judge R Cooper
Date of Decision	: 3/03/2025

DECISION

Summary decision

1. The Applicant's application pursuant to s20ZA of the Landlord and

Tenant Act 1985 for dispensation from the statutory consultation requirements is granted without condition.

2. This dispensation does not affect the Respondents' rights to make an application to the Tribunal as to the reasonableness or payability of the service charge under s27A and 19 of the 1985 Act.

The application

3. On 30 January 2025 the Tribunal received an application from Premier Estates Ltd on behalf of the freeholder, Freehold Managers PLC ('the Applicant').
4. 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 respect of qualifying works required to the roof of 16-18 Station Road, Redhill, Surrey RH1 1NZ. The building is described as comprising 9 apartments above commercial premises ('the Property').
5. The Applicant seeks dispensation on the grounds that works are urgently required to the roof.
6. Following directions given on 21/02/2025 the Tribunal received responses from six of the Respondent leaseholders (flats 1, 3, 4, 5, 7 and 8) who all confirmed they agreed with the application in whole or part. The Applicant confirmed on 5/03/2025 that no objections had been received.

Consideration

7. The Tribunal considered the application and supporting documents, comprising the leases for 8 of the 9 flats, directions, responses from Respondents, and email correspondence from the applicant.
8. This was a determination made on the papers and there was no inspection. No party requested a hearing or inspection, and it was not considered necessary for a fair determination of the issues.

Determination and reasons

9. Having considered the application and totality of the evidence, the Tribunal is satisfied that it is reasonable for dispensation to be granted from the consultation requirements under s20 of the Landlord and Tenant Act 1985 ('the 1985 Act') and the Service Charges (Consultation Requirements) (England) Regulations 2003 for the reasons set out below.

10. The purpose of the statutory consultation process is to ensure that leaseholders are given the fullest opportunity to comment on expenditure for which they will be partly liable to pay.
11. The relevant law relating to this application is s20ZA of the 1985 Act which allows the Tribunal to grant dispensation from that statutory consultation requirement if it is satisfied it is reasonable to do so. In considering the application I have borne in mind the principles set down by the Supreme Court in *Daejan Investments Ltd v Benson & others* [2013] UKSC 14.
12. The Applicant says that works are urgently required to the roof of the Property. Water is leaking into the top flats and communal areas. However, more significantly a survey of the roof by drone is said to have revealed a piece of loose stone coping to the front elevation which is at risk of falling. As the Property is situated on a busy street there is risk to life or significant injury of pedestrians, and of damage to the glass canopy of the commercial premises were the stone coping to collapse/fall. The Applicant has already applied to the Council for a structure licence to erect a wrap around scaffold and to cordon off the pavement whilst works are undertaken.
13. Whilst there is no supporting evidence of the disrepair alleged, the Tribunal is satisfied from its central location and proximity to Redhill Station there is likely to be considerable footfall in the area, and significant risk to life or of serious injury were a piece of stone coping to collapse into the street below. Works are clearly urgently required to minimise that risk. In addition, water leakage into the top floor flats in the Property may result in damage to the leaseholder's property and interfere with their enjoyment of their flats.
14. No objections to the application have been received, and 6 of the 9 lessees confirmed they agreed with the application. There is no evidence suggesting the Respondents would be prejudiced by a failure of the landlord to consult.
15. In all the circumstances the Tribunal was satisfied it was reasonable to grant dispensation under s20ZA of the 1985, due to the risks if urgent works were not undertaken.
16. The Tribunal considered whether it was appropriate to impose conditions on that grant of dispensation, such as a requirement to consult in relation to the more substantial roof repair (or replacement) that might well be required. However, it decided it was not because the application indicated that a wrap around scaffold was required for the emergency works to be undertaken. Any delays for a full or even partial

consultation process to be carried out would be likely to prejudice the leaseholders because of the scaffold costs.

17. However, although no formal condition is imposed, the Applicant is encouraged to communicate with and provide information to the Respondents in relation to the works that are proposed.
18. The Tribunal, therefore, is satisfied that it is reasonable to grant dispensation under s20ZA of the 1985 Act from the s20 consultation requirements, and for that dispensation to be without condition.
19. Although the Tribunal has granted that dispensation, it makes no determination as to the reasonableness of the works or the reasonableness of the costs of the works and whether they are recoverable from the Respondents through the service charges. Those are matters which the Tribunal may consider on an application to the Tribunal under s27A and 19 of the 1985 Act.

Signed: Judge R Cooper

14/03/2025

Note: Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office that has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision, and should be sent by email to rpsouthern@justice.gov.uk.
3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.