



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

Case Reference	: HAV/40UD/LDC/2024/0619
Property	: Flats 1-6 The Pyjama Factory, Abbey Street, Crewkerne, Somerset, TA18 7HY
Applicant	: The Pyjama Factory (Management Company) Limited
Representative	: Greenslade Taylor Hunt
Respondent	: Ms Wick – Flat 1 The Pyjama Factory (Management Company) Limited – Flat 2 Mr K Segal – Flat 3 Mr & Mrs Relf – Flat 4 Mr & Mrs Bridle – Flat 5 Mr M Cang – Flat 6
Representative	:
Type of Application	: To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985
Date of Hearing	: Paper determination
Date of Decision	: 20 th May 2025

DECISION

The Applicant's application for dispensation from the statutory consultation requirements pursuant to s20ZA of the Landlord and Tenant Act 1985 is granted without condition.

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 sections 27A and 19 of the 1985 Act.

The application

1. On 29 October 2024 the Tribunal received an application from Greenslade Taylor Hunt on behalf of The Pyjama Factory (Management Company) Limited ('the Applicant'). Greenslade Taylor Hunt are the managing agents for the Applicant.
2. 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 replace the hydraulic hose in the communal lift servicing Flats 1-6 The Pyjama Factory, Abbey Street, Crewkerne, Somerset, TA18 7HY. The building is described as comprising six 2 or 3-bedroom flats in a converted factory ('the Property').
3. The Applicant seeks dispensation on the grounds that works were urgently required as the lift is heavily used by the occupiers and the resident of Flat 4 who is disabled was housebound if her husband was not at home.
4. Directions were given by a legal officer on 3 March 2025. These included directions requiring the Applicant to serve a copy of the application and response form on the Respondents, and for the Respondents to notify the Tribunal if they objected to the application. Directions were also given about the procedures that needed to be followed if objections were received.

Consideration

5. The Tribunal considered the application and supporting documents, comprising the lease for flat 4 (which was said to be in identical form to that of the other leaseholders), directions, email correspondence from the applicant, and the quotation, invoice and email correspondence from Hoistway, the company who had carried out the lift repair.
6. This was a determination made on the papers and there was no inspection. None of the parties requested a hearing or inspection, and it was not considered necessary for a fair determination of the issues.

Determination and reasons

7. Having considered the application and totality of the evidence, the

8. 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.
9. The purpose of the statutory consultation process under s20 of the 1985 Act is to ensure that leaseholders are given the fullest opportunity to comment on expenditure for which they will be partly liable to pay through the service charge.
10. The relevant law relating to this application is s20ZA of the 1985 Act which allows the Tribunal to grant dispensation from the statutory consultation requirements 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.
11. The Applicant says that works were urgently required due to failure of the hydraulic hose which rendered the lift inoperable. The failure of the hydraulic hose is said by Hoistway to have been caused by internal corrosion due to the flow rate of the hydraulic oil over the years. When the lift was installed, the hose would have been set against the wall with pipe clamps and located under the lift panel. In the absence of any obvious rubbing noise, it was said that it was not possible to identify this internal corrosion without all the panels being removed. As the hose itself was not showing obvious signs of cracking and weeping it had been seen as still serviceable.
12. The works which included were commenced on 21 October 2024 and were completed on 31 October at a cost of £3,624.75 plus VAT (a total of £4,349.70).
13. No objections to the application were received by the Tribunal by the 25 March 2025. The Applicant also confirmed in the application that all the leaseholders had '*agreed they would like [the applicant] to dispense (sic). In addition... all parties who contribute to the service charge have agreed and paid an additional amount to cover the cost of the work*'. There is no evidence before the Tribunal suggesting the Respondents would be prejudiced by a failure of the landlord to consult.
14. In all the circumstances the Tribunal was satisfied it was reasonable to grant dispensation under s20ZA of the 1985, due to the access difficulties to occupiers of the Property and their visitors if the urgent works were not undertaken.

15. The Tribunal considered whether to impose conditions on that grant of dispensation, but decided it was not appropriate. The works are limited in scope and had been completed by the date of this determination.
16. The Tribunal, therefore, is satisfied that it is reasonable to grant dispensation from the s20 consultation requirements under s20ZA of the 1985 Act, and for that dispensation to be without condition.
17. Although the Tribunal has granted dispensation, in doing so it is making no determination as to the reasonableness of the works that have been carried out, the reasonableness of the costs of those works or whether they are payable by the Respondents though the service charges. Those are matters which the Tribunal may consider on an application under sections 27A and 19 of the 1985 Act.

Signed: Judge R Cooper

20 May 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.
- 18.

This is a formal order of the Tribunal which must be complied with by the parties.

The parties must comply with the Statement on Tribunal Rules and Procedure and the Guidance on PDF bundles which are enclosed with these directions (if not already provided).

Communications to the Tribunal MUST be made by email to rpsouthern@justice.gov.uk. All communications must clearly state the Case Number and address of the premises.

This Order has been made by a Legal Officer. Any party affected by it is entitled to ask for it to be considered afresh by a Judge, by making a case management application by email to the Tribunal within 14 days after the date of the Directions.

Email addresses and service of documents

1. The Respondents shall on receipt of the application and these directions do the following:
 - i) write to the Tribunal, electronically if possible, acknowledging receipt;
 - ii) provide a suitable email address to the Tribunal and the Applicant for the service of documents (which the Respondent shall do whether, or not, the Applicant included an email address on the application form); or
 - iii) if not in possession of an email address and unable to obtain one, inform the Tribunal accordingly.
2. Documents to be sent by one party to another shall be sent electronically to the email address provided.

Representatives

3. Written authority from the Applicant appointing the representative to act on their behalf must be sent to the Tribunal by **17 March 2025**.
4. If an Applicant or Respondent appoints a representative during the course of the proceedings, written authority from that Applicant or Respondent appointing the representative to act on their behalf to the Tribunal must be sent within 14 days.
5. **Unless and until an authority is supplied the Tribunal and the parties will correspond directly with the Applicant or Respondent and not with any representative. Any correspondence received from a representative will not be considered, actioned or replied to unless and until authority is provided.**

Background

6. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act. The application was received on 29 October 2024.
7. The Property is described as:

6, 2-3 bedrooms Flats in a converted factory.
8. The Applicant describes in the application the qualifying works and the reason for the request for dispensation:

Replacement Hydraulic House in the communal lift. The management company have instructed the lift engineer to go ahead with the work, this started on 21/10/2024.
The management company have notified all leaseholders of the works proposed and they have all agreed they would like us to dispense (sic). In addition to this agreement, all parties who contribute to the service charge have agreed and paid an additional amount to cover the cost of the work.
The lift is relied on heavily by the residents, particularly the owner of Flat 4 who is disabled and therefore housebound unless her husband is at home. Due to this, the management company felt it important to proceed with the works on an emergency basis and apply to the FTT instead of the Section 20 consultation.
9. **The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. This application is not about the proposed costs of the works, and whether they are recoverable from the leaseholders as service charges or the possible application or effect of the Building Safety Act 2022. The leaseholders have the right to make a separate application to the Tribunal under section 27A of the Landlord and Tenant Act 1985 to determine the reasonableness of the costs, and the contribution payable through the service charges.**

DIRECTIONS

Any act required by these directions to be done on or by a particular day must be done before 5pm on that day.

The parties must comply with these Directions.

Only evidence and documents exchanged between the parties in accordance with the timetable below shall be included within the bundle. If a hearing is required, the Tribunal will only consider evidence previously exchanged. If a party wishes to rely upon oral evidence at the hearing, they must have provided a written statement in accordance with the Directions below.

10. The application is to be determined on the papers **without a hearing in accordance with rule 31 of the Tribunal Procedure Rules 2013** unless a party objects in writing to the Tribunal within **14 days** of the date of receipt of these directions.
11. If any party requests an oral hearing it shall take place at a time and place to be advised with a time estimate of 2 hours.
12. Suitability for a paper determination will be reviewed upon receipt of the bundle, and a hearing may be ordered requiring a payment of fee.
13. The Tribunal has sent a copy of the application and these Directions to each Respondent.

The Applicant's case

14. The application shall stand as the Applicant's case.
15. In addition, by **11 March 2025** the Applicant must send to the Tribunal and the Respondents a more detailed description or a specification detailing the qualifying works.

The leaseholders' case

16. The Respondents shall by **25 March 2025**: -

Complete the attached reply form and send it to the Tribunal (electronically) and to the Applicant; **and, if they oppose the application;**

- A statement setting out why they oppose the application
- Evidence of what they may do/have done differently if the Applicant were or had to comply with the full statutory consultation process
- Copies of all documents to be relied upon **not** already included in the Applicant's bundle

Note: The Tribunal will assume that those Respondents not returning the attached form and those agreeing to the application do not wish to receive any further communications from the Tribunal including a copy of the determination unless a specific request is made. The determination will, however, be binding on all leaseholders.

The Applicant's reply

17. The Applicant must reply to any objection by **1 April 2025** which must be included in the determination/hearing bundle.

18. **If no objections to the application from the Respondents are received a bundle is not required, however the Applicant must confirm to the Tribunal by 28 March 2025 that no objections have been received.**
19. The application will then be determined on the papers or further Directions issued accordingly.
20. **In the event of an objection being received the following Directions will apply.**

Documents for the hearing / determination

21. The Applicant shall be responsible for preparing the bundle of relevant documents, the contents of which should be agreed by the parties and shall by **1 April 2025** send one copy to the objecting parties and send one copy (electronically) to the Tribunal.
22. **THE BUNDLE MUST BE IN PDF AND COMPLY WITH THE GUIDANCE ON PDF BUNDLES.**
23. **If there are objections to the application and the hearing bundle is not sent to the Tribunal by the said date or not in the required format, the Application will be struck out.**
24. The Tribunal will only consider the documents in the bundle. Parties should not send documents piecemeal to the case officer.
25. The bundle shall contain copies of:
 - The application with accompanying documents
 - The lease
 - The Directions
 - All returned Leaseholder reply forms
 - All statements of case
 - All relevant documents relied upon by either party
26. Documents should only appear once within the bundle even if relied upon by each party e.g. one copy only of the lease.
27. If an oral hearing is requested the Applicant shall bring an additional copy of the bundle to the hearing.

Form for Respondents

Case Reference: HAV/40UD/LDC/2024/0619

Premises: Flats 1-6 The Pyjama Factory, Abbey Street, Crewkerne, Somerset, TA18 7HY

Please return this form to the Tribunal at rpsouthern@justice.gov.uk as soon as possible but at the latest by **25 March 2025**

Also send a copy to the Applicant's representative at the email address: property.management@gth.net

	Yes	No
I/We agree with the application (whole or in part)		
I/We agree that the Tribunal may decide the matter on the basis of written representations only (no hearing).		
Name and address of any spokesperson or representative appointed for the Respondent:	<div>.....</div> <div>.....</div> <div>.....</div> <div>.....</div>	

Signed:

Print name:

Date:

Flat number:

Telephone number(s):

Email address:

**PLEASE USE A SEPARATE SHEET SETTING OUT YOUR
OBJECTIONS TO THE APPLICATION.**