



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

**Case Reference** : **HAV/18UG/LDC/2025/0661**

**Property** : **The Salcombe  
Fore Street  
Salcombe  
Devon  
TQ8 8JG**

**Applicant** : **The Salcombe Company Limited**

**Representative** : **Beverley Myers**

**Respondent** : **The Leaseholders**

**Representative** : **None**

**Type of Application** : **To dispense with the requirement to  
consult lessees about major works  
Section 20ZA Landlord and Tenant Act  
1985.**

**Tribunal Member** : **Mr I R Perry FRICS**

**Date of Decision** : **14<sup>th</sup> July 2025**

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**DECISION**

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## Summary of Decision

The Tribunal determines that dispensation is granted under Section 20ZA of the Landlord and Tenant Act 1985 for emergency repair works to the sea wall required to prevent its collapse.

## Background

1. 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 28 May 2025.
2. The Property is described as:

“The Salcombe is a block of 36 apartments of different sizes, 35 of which have long leases. Additionally there is a commercial unit let to a restaurant. The leaseholders are also the shareholders of the Applicant company which owns the freehold.

The property is located on the waterfront in Salcombe harbour. A sea wall separates The Salcombe from the foreshore and from the jetty used by the ferry to East Portlemouth. The Salcombe also has 36 swinging moorings along a floating pontoon along the sea wall.

The Salcombe was originally built in the 1890s as a hotel and was converted into apartments in the 1980s.”
3. The Applicant explains that:

“Emergency repair works to the sea wall required to prevent its collapse. The temporary repair will use oak crane mats on the foreshore and against the wall, buttressed by large concrete blocks along the foreshore, marked with buoys. The contractors will also level the foreshore as requested by the Harbour Master so that the pontoons can be returned.

A description of the works sent to Natural England is attached.

The works can only take place on suitable low tides and will take place between 28 and 30 May 2025 by the contractors Landmarc Environmental Engineering.

No consultation has been carried out or is proposed to be carried out. The leaseholders have been informed of the nature of the works, the reasons for not being able to carry out a s20 consultation and the intention to make this application. A cost estimate for the works has also been provided to them.

Structural consultants have advised us that emergency works are required to prevent the collapse of the sea wall which could cause damage to persons or property and prevent the use of the public jetty. The works are also necessary for the re-installation of the pontoons, an important amenity to leaseholders in the Summer months and one which the landlord is obliged to provide under the terms of the lease.”
4. 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.

5. These reasons address the key issues raised by the parties. They do not recite each and every point referred to either in submissions or during any hearing. However, this does not imply that any points raised, or documents not specifically mentioned, were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, then it was considered by the Tribunal. The Tribunal concentrates on those issues which, in its opinion, are fundamental to the case.

### Submissions

1. On 28<sup>th</sup> May 2025 the Tribunal received the Application from Beverley Myers. Ms Myers explains the nature of the emergency repairs required to a sea wall. She states that Leaseholders have been informed of the nature of the works, the reasons for not being able to carry out a Section 20 consultation and the intention to make this application. A cost estimate of the works has also been provided to the Leaseholders.
2. The works can only be carried out at suitable low tides and were scheduled to take place between 28<sup>th</sup> May and 30<sup>th</sup> May 2025 by specialist contractors. The works would include some levelling of the foreshore as requested by the Harbour Master.
3. On 2<sup>nd</sup> June 2025 the Tribunal sent Ms Myers a copy of its Directions and Rules. The Directions required the Applicant to **immediately** send a copy of its Directions, Statement of Rules and procedures and Guidance on pdf bundles to each Respondent and by **9<sup>th</sup> June 2025** confirm to the Tribunal that this has been done. A suggested letter to be sent to all Respondents was included. The Directions clearly stated that **if the Applicant failed to inform the Tribunal by the said date the Application would be struck out without further Notice.**
4. On 4<sup>th</sup> June 2025 the Applicant's representative confirmed that copies of the relevant documents had been sent to all the respondent leaseholders.
5. On 24<sup>th</sup> June 2025 the Applicant's representative wrote to the Tribunal, with a copy of the Directions attached, and stated "I hereby confirm that we have received no objections from any of the Respondents to the above S20ZA application".

### The Law

#### Section 27A Liability to pay service charges: Jurisdiction

6. (1) An application may be made to a leasehold valuation tribunal for a determination whether a service charge is payable and, if it is, as to—
7. (a) the person by whom it is payable,
8. (b) the person to whom it is payable,
9. (c) the amount which is payable,
10. (d) the date at or by which it is payable, and
11. (e) the manner in which it is payable.

12. (2) Subsection (1) applies whether or not any payment has been made.
13. (3) An application may also be made to a leasehold valuation tribunal for a determination whether, if costs were incurred for services, repairs, maintenance, improvements, insurance or management of any specified description, a service charge would be payable for the costs and, if it would, as to—
14. (a) the person by whom it would be payable,
15. (b) the person to whom it would be payable,
16. (c) the amount which would be payable,
17. (d) the date at or by which it would be payable, and
18. (e) the manner in which it would be payable.

**Section 20 Limitation of service charges: consultation requirements** provides that where the lessor undertakes qualifying works with a cost of more than £250 per lease, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum unless the required consultations have been undertaken or the requirement dispensed with by the Tribunal. An application may be made retrospectively.

**Section 20ZA** provides that on an application to dispense with any or all of the consultation requirements, the Tribunal may make a determination granting such dispensation “if satisfied that it is reasonable to dispense with the requirements”.

### **Determination**

The Tribunal is satisfied that the works that are the subject of this application were necessary and urgent and determines that dispensation from the consultation requirements in Section 20 of the Act is granted.

This decision is confined to determination of the issue of dispensation from the consultation requirements. The Tribunal has made no determination on whether the costs are payable or reasonable. If a lessee wishes to challenge the payability or reasonableness of those costs, then a separate application under section 27A of the Act would have to be made.

### **RIGHTS OF APPEAL**

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 which has been dealing with the case. Where possible you should send your application for permission to appeal by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) as this will enable the First-tier Tribunal Regional office to deal with it more efficiently.
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.

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.