



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

Case Reference : **MAN/00BY/LDC/2024/0606**

Property : **Flats 1-13, 27-37 Woodvale Road, Woolton,
Liverpool L25 8RY**

Applicants : **Twenty Seven Woodvale Road Limited**

Respondents : **The Residential Long Leaseholders**

Type of Application : **Landlord & Tenant Act 1985 – Section 20ZA –
Dispensation of Consultation Requirements**

Tribunal Members : **Judge J Stringer
Tribunal Member J Elliott, MRICS**

Date of Decision : **1st July 2025**

DECISION

1. The requirement to consult with the respondents in accordance with section 20 of the Landlord and Tenant Act 1985 is dispensed with, pursuant to section 20ZA Landlord and Tenant Act 1985, in respect of the works identified in the document Estimate of Costs – Lintel Replacement Works dated 8th October 2024 – lintel replacement, left side of building, second floor.

REASONS

Preliminary Matters

1. This application is made by Twenty Seven Woodvale Road Limited, Management Company for the Landlord of the Property, Liverpool City

Council, for dispensation from the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 ('the Act').

2. The only issue for the Tribunal to consider is whether or not it is reasonable to dispense with the consultation requirements.
3. The Applicant in the application notice agreed to the appeal being considered on the papers without an oral hearing. There has been no response to the application from the Respondents. Having reviewed the written evidence and noted the Applicant's consent, and the absence of any objection from the Respondents, the Tribunal concluded pursuant to Rule 31 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 that it is able to decide the matter without a hearing.
4. In accordance with the '*Practice Direction from the Senior President of Tribunals: Reasons for decisions*', this decision refers only to the main issues and evidence in dispute, and how those issues essential to the Tribunal's conclusions have been resolved.

Background to the application

5. Twenty Seven Woodvale Road Limited have applied pursuant to section 20ZA of the Landlord and Tenant Act 1985 (LTA 1985), and by way of an application notice dated 21st October 2024, for dispensation of consultation requirements provided for by section 20 LTA 1985. The application is in respect of consultation (and service charge obligations) relating to residential long leases concerning Flats 1-13, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY.
6. The Respondents to the application are set in Schedule 2 to this decision.
7. A sample lease has been submitted (the lease for Flat 2, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY) that sets out the parties' respective obligations in respect of repairs and service charge liabilities.
8. The Applicant seeks dispensation on the following basis – "*The Applicant seeks dispensation on the basis that works which were fully consulted on have commenced and additional repair needs have since been identified. For reasons of cost-effectiveness the Applicant wishes to instruct these additional works to be undertaken alongside the current works... One set of bay lintels have already been replaced as part of the previously consulted on qualifying works, and there is scaffolding in place for this purpose. These works were instructed on 25th July 2024. It has now been discovered that a further set of bay lintels need replacing... Consultation was carried out in respect of extensive roof repairs and remediations including chemical washing of roof coverings, repairs to the coping stones, cleaning out of guttering and pipes, repairs to the pipes, re-instating of the guttering and the removal of damaged lintels and the installation of replacement lintels. Relevant notices were sent to service charge payers and copies of these can be produced on request... Scaffolding has already been installed in order to carry out the works referred to above. It has now been identified that further lintel repair works need to be undertaken within the next*

12 months. It would not be cost-effective to carry out a further s20 process in respect of these additional works bearing in mind the works have already been price-tested as part of the initial consultation. Further, there would potentially be a need to re-install scaffolding. The surveyor estimates that the cost saving in having the current contractor carry out the additional works to be in the region of £5,150”.

Issues

9. The following issues were identified for determination by the Tribunal:
 - a. Should the Tribunal permit the statutory consultation requirements under section 20 LTA 1985 in relation to works to be dispensed with in accordance with section 20ZA LTA 1985?

The Law

10. Extracts from sections 20 and 20ZA of the Act are reproduced in Schedule 1, below. Section 20ZA subsection (1) provides that the tribunal may make a determination to dispense with consultation requirements “*if satisfied that it is reasonable to dispense with the requirements*”.
11. The Tribunal has had regard to the guidance on dispensation given by the Supreme Court in *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 (*‘Daejan’*), in particular, that in deciding pursuant to section 20ZA whether it is reasonable to dispense with consultation requirements, a Tribunal should consider whether any relevant prejudice would be suffered by the leaseholders.
12. The Tribunal note that whilst the legal burden of proof rests throughout on the landlord, the factual burden of identifying some relevant prejudice that they would or might have suffered rested on the tenants, and that a Tribunal is permitted, subject to evidence, to grant dispensation on terms, including compensating leaseholders for any prejudice suffered by requiring a landlord to reduce the amount claimed as service charge, and including an order for costs.

Evidence

13. The material/evidence submitted by the Applicant is limited to:
 - a. The application for dispensation dated 21st October 2024;
 - b. Statement of Case – Callum Maxwell of Lambert Smith Hampton Residential Ltd (LSHR) dated 16th April 2025;
 - c. Correspondence from LSHR to the Respondents dated 4th November 2024;
 - d. Email correspondence between Trinity Property Consultancy (the surveyor) and LSHR regarding the works, October 2024;
 - e. Estimate of Costs – Lintel Replacement Works dated 8th October 2024.
14. The Tribunal has carefully considered all the available written evidence.

Relevant Evidence and the Tribunal’s Conclusions on the Issues

15. None of the Respondents has submitted a response to the application, there is no evidence to indicate that any Respondent objects to the application, nor is there any evidence before the Tribunal that indicates that any Respondent consider themselves to be prejudiced in any way by the absence of a section 20 consultation exercise.
16. The Applicant's evidence is that additional works to those already consulted on were, subsequent to those works commencing, required to further lintels of the property. The specific works are identified in the invoice referred to above, and, on the basis the works were undertaken as part of the package of works subject to the consultation were estimated to cost £6,250.00, exclusive of VAT; this is in contrast to the estimated cost of undertaking the further works as a separate package of £11,400.00, exclusive of VAT, a cost differential of £5150.00, which appears to be on the basis of cost savings principally relating to scaffolding costs and professional fees.
17. The application states that the works are "qualifying works" (within the meaning of sections 20 and 20ZA LTA) and that the works have "started/been carried out" (it is apparent from the application that the works have been carried out).
18. On the basis of the (somewhat limited) evidence by way of the application and invoice, and in the absence of any response from the Respondents objecting to the application, the Tribunal is satisfied that the Applicant's proposed repairs were urgent works in relation to potentially serious repair issues.
19. The Tribunal finds that there is no relevant prejudice to any of the Respondents as a consequence of the Applicant proceeding with the works without first carrying out the section 20 consultation.
20. The Respondents have made no representation as to any condition the Tribunal might impose in granting dispensation, and there is no evidence of any cost being incurred by the Respondents that should appropriately be met by the Applicant.
21. In these circumstances, the tribunal considers it reasonable to dispense with consultation requirements unconditionally.
22. Accordingly, the tribunal makes a determination, under section 20ZA of the Act, to dispense with the requirement to consult with the Respondents under section 20 in relation to the Works, as detailed in the invoice dated 16th April 2024.
23. The Tribunal makes no findings, and expresses no view, as to whether any costs associated with the works for which dispensation has been granted are reasonable in amount, whether the works were necessary or of a reasonable standard, or whether the costs intended to be recovered by way of service charge

are contractually payable under the tenancy agreements or are within the meaning of 'relevant costs reasonably incurred' in sections 19 and 27A of the Act. No such applications are currently before this Tribunal and the Tribunal's decision does not include or imply any determination of such matters.

J Stringer

Tribunal Judge

1st July 2025

Schedule 1

Extracts from legislation

Landlord and Tenant Act 1985

Section 20

(Subsections (1) and (2):)

(1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either -

- (a) complied with in relation to the works or agreement, or
- (b) dispensed with in relation to the works or agreement by (or on appeal from) a tribunal.

(2) In this section 'relevant contribution', in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works under the agreement.

Section 20ZA

(Subsection (1))

(1) Where an application is made to a tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

Schedule 2

Schedule of Leaseholders - Flats 1-13, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY

Stephen Hough **Flat 1**, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY

Stephen J Vaughan **Flat 2**, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY

Eric Robert Smith **Flat 3** – *correspondence address: 43 Hillview Gardens, Woolton, Liverpool L25 7XE*

Simon Andrew Lowe **Flat 4**, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY

Barry J Price & Jayne F Munn **Flat 5**, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY

Michael J McGough & Martine Brown **Flat 6** – *correspondence address: 8 Rose Street, Woolton, Liverpool L25 7SN*

Neil Turner **Flat 7 & Flat 11** – *correspondence address: 17 Broughton Drive, Liverpool L19 0PB*

Conor Riley **Flat 8**, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY

Katherine Victoria Locke **Flat 9**, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY

A Kempton Campbell **Flat 10**, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY

Conor Luke Riley **Flat 12** – *correspondence address: 5 St Michaels Road, Aigburth, Liverpool L17 7AN*

Glynis Catherine Victoria Mackie **Flat 13**, 27-37 Woodvale Road, Woolton, Liverpool L25 8RY