



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

Case Reference : **HAV/43UL/LDC/2025/0631**

Property : **Flats 1-5 Milford House
Portsmouth Road
Milford
Godalming
GU8 5HJ**

Applicant : **Milford St James Residents Company
Limited**

Representative : **Warwick Estates**

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 : **15th July 2025**

DECISION

Decision

The Tribunal determines that dispensation is granted under Section 20ZA of the Landlord and Tenant Act 1985 for the roofing works to be carried out to the property.

Background

1. The Applicant, Milford St James Residents Company Limited (“MSJRCL”) seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) from the consultation requirements imposed on the Landlord by Section 20 of the Act. The application was received on 14th March 2025.
2. The Property is described as a:

“A converted detached Period Building converted into Leasehold Apartments converted circa 1998/1999 housing 5 leasehold apartments.

The block has a communal hallway with a stairway leading to the upper floors.

The building is approx. 14.7m in height with tiled and pitched roof with a flat area in the middle.”
3. The Applicant explains that there was:

“Water ingress into the top floor flat of the block, causing excessive damage internally to flat 5. Works being carried out to avoid making the unit uninhabitable.”
4. The works are described as:
 - “Rake out the existing silicone that is currently sealing the lead flashing around the chimney.
 - Install new lead sealant to the lead flashing.
 - Clean all moss and debris from the chimney.
 - Apply a storm dry masonry brick cream to the chimney.
 - Clean and clear all rubbish from site.

It is our intention to proceed by using AK Roofing & Guttering on 18/3/2025 whilst they have availability; to prevent further damage to be caused inside Flat 5.”
5. Dispensation is sought because:

“The works are of an urgent nature due to severe water ingress into the top floor flat of the building. The roofer the Management Company wish to use has limited availability for these works to be undertaken and we are therefore requesting they start these works at their earliest availability which is presently 18th March 2025.”
6. 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.

7. 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

8. On 14th March 2025 the Tribunal received the Application from Warwick Estates together with a list of the 5 affected Respondent Leaseholders. The Tribunal sent a copy of the Application with Directions to each Respondent with an instruction that they should reply by 6th June 2025 to confirm if they opposed the Application and to set out their reasons for that opposition.
9. The Directions were dated 20th May 2025 which confirmed that the Application would stand as the Applicant's case.
10. On 2nd July 2025 the Applicant's representative confirmed that no objections to the works had been received.
11. The Tribunal was provided with a copy of the Title for Flat 6 which appears to be attached the part of the building where the proposed works were to be undertaken.

The Law

Section 27A Liability to pay service charges: Jurisdiction

12. (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—
 13. (a) the person by whom it is payable,
 14. (b) the person to whom it is payable,
 15. (c) the amount which is payable,
 16. (d) the date at or by which it is payable, and
 17. (e) the manner in which it is payable.
18. (2) Subsection (1) applies whether or not any payment has been made.
19. (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—
 20. (a) the person by whom it would be payable,
 21. (b) the person to whom it would be payable,
 22. (c) the amount which would be payable,
 23. (d) the date at or by which it would be payable, and

24. (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 urgent roofing works were necessary to prevent water ingress into Flat 5 and noting that there had been no objections to the Application the Tribunal 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 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.