



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

**Case Reference** : **CAM/00MD/LDC/2025/0640**

**HMCTS** : **CVP Hearing**

**Property** : **1-6 Kingsway House, Hempson Avenue,  
Langley, Berkshire SL3 7RW**

**Applicant  
(Leaseholder)** : **S Kalsi Flat 6**

**Respondent (Management  
Company)** : **La Roche Management Limited**

**Representative  
(Managing Agent)** : **Alba Management Services**

**Original Application** : **To dispense with the consultation  
requirements referred to in Section 20 of the  
Landlord and Tenant Act 1985 pursuant to  
Section 20ZA**

**Application** : **Application for Review or Permission to Appeal**

**Tribunal** : **Judge JR Morris**

**Application** : **29 May 2025**

**Directions** : **13 June 2025**

**Hearing** : **30 July 2025**

**Decision** : **31 July 2025**

**Application for  
Permission to Appeal** : **4 September 2025**

**Decision** : **12 September 2025**

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**DECISION**

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### **Decision of the Tribunal**

1. The Tribunal has decided not to review its Decision and refuses permission to appeal to the Upper Tribunal because it is of the opinion that there is no realistic prospect of a successful appeal against its Decision in respect of any of the Grounds of the Application.
2. In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and Rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the Applicant or Respondent may make further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal. Where possible, you should send your application for permission to appeal **by email** to [Lands@justice.gov.uk](mailto:Lands@justice.gov.uk), as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently.
3. Alternatively, the Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710).

### **Reason for the Decision**

4. The reason for the decision is that the Tribunal had considered all the points now raised by the Applicant, when reaching its decision.
5. The Tribunal's decision was based on the evidence before it and the Applicant has raised no legal arguments in support of the application for permission to appeal.
6. For the benefit of the parties and of the Upper Tribunal (Lands Chamber) (assuming that further application for permission to appeal is made), the Tribunal has set out its comments on the specific points raised by the Applicants in the application for permission to appeal, in the appendix attached.

**Judge J R Morris**

APPENDIX TO THE DECISION  
REFUSING PERMISSION TO APPEAL

For the benefit of the parties and of the Upper Tribunal (Lands Chamber), the Tribunal records below its comments on the grounds of appeal. References in square brackets are to those paragraphs in the main body of the original Tribunal decision.

**Application and Decision**

1. On 29 May 2025 the Respondent applied for dispensation from the statutory consultation requirements in respect of qualifying works which are to treat dry rot and ancillary works at the Property.
2. Ms Sonia Kalsi, the Leaseholder of Flat 6, raised objections to the granting of dispensation and requested a hearing. No other objections or requests for a hearing were received.
3. The Applicant raised objections which included:
4. Ms Kalsi having not been consulted at stage 1 of the section 20 consultation process. The Notice of Intention had been sent to the previous owner of Flat 6 on 22 November 2024 and Ms Kalsi had completed the purchase of the Lease of the Flat on 29 November 2024. The Tribunal found that the previous owner should have forwarded the Notice to her in good time to respond. When the Applicant and Managing Agent became aware that she had not been involved from the start of the procedure a Dispensation Application was made. The Dispensation Application afforded Ms Kalsi the opportunity to address the concerns she would otherwise have raised following the Notice of Intention as all that documentation was provided in the course of the Dispensation Application procedure [30] to [36].
5. Ms Kalsi said that the qualifying works were because of historical neglect and referred to previous surveys [39]. The Tribunal found that if the cost of the qualifying works were made more expensive due to historic neglect of the building, then an application under section 27A of the Landlord and Tenant Act 1985 may be made to determine the reasonableness of the cost and standard of work [43].
6. Ms Kalsi said that despite being a shareholder of the Applicant, having purchased the Lease of 6 Kingsway on 29th November 2024, she had not been given the opportunity to join the WhatsApp instant messaging group in place for all members of the Applicant to communicate and discuss matters regarding the maintenance of the Property. Therefore, she said she has had no input, influence or say in the dry rot section 20 process. For the purposes of the Dispensation Application the Tribunal found that Ms Kalsi has been able to put forward her concerns to the Tribunal.
7. Overall, the Tribunal found:

The Lease obliged the Applicant to carry out dry rot remedial works and that the cost of this work is chargeable to the Leaseholders through the Service Charge [53].

Based upon the AA Consultancy Ltd Survey Report of Flat 2 the qualifying works were necessary [54].

The Applicant's Representative complied with the consultation procedure under Section 20 of the Landlord and Tenant Act 1985 in that:

- a) A Notice of Intention was served on 22 November 2024 which invited observations and nominations of contractors to be made within 30 days i.e. by 22 December 2024; and
- b) A Statement of Estimates was served on 27 March 2025 which invited observations on selected contractors to be made within 30 days i.e. by 27 April 2025. Leaseholders were informed that all estimates could be inspected upon request with contact details provided [55].

The estimates from the selected contractors were thorough in their explanation [56].

8. The Tribunal found that although Ms Kalsi had not been involved from the start of the section 20 consultation procedure due to the previous owner not forwarding the documents to her, the Dispensation Application had enabled her to put forward her concerns about the qualifying works to the Tribunal.
9. The Tribunal considered the issues raised by Ms Kalsi which it found did not amount to a justification for the Tribunal to refuse dispensation from the consultation procedure required by section 20 of the Landlord and Tenant Act 1985. However, some of the issues raised might be arguments for an application under section 27A of the Landlord and Tenant Act 1985 to determine the reasonableness of the cost and standard of work if they could not otherwise be resolved.

### **Grounds of Appeal and Tribunal's Response**

The judge's decision that the applicant adhered to the section 20 consultation process for the dry rot service charges. •

The judge's decision to grant dispensation for the dry rot works.

### **Grounds of Appeal**

10. Ms Kalsi submitted the following matters as grounds of appeal:

#### ***Ground 1***

11. The Tribunal made an error of fact by not considering allowing dispensation for the cost of Alternative Accommodation and Management Fees which are not permitted to be charged under The Seventh Schedule Part II (Covenants by the Management Company) (c) of the Lease which states "the management company will only be entitled to apply the service charge towards the purposes specified in parts II and III of this schedule and generally for the purpose of the better habitation of the building"

### ***Tribunal's Response***

12. This issue was not raised in written representations or orally at the hearing. The need to vacate the flat while works take place was referred to in the surveyor's report. The Tribunal finds that if an issue as to the liability (payability) and cost of this expense cannot be resolved it is a matter for an application under section 27A of the Landlord and Tenant Act 1985.

### ***Ground 2***

13. The Management Company failed to comply with the section 20 procedure in that when requested, the applicant refused to send any quotes for inspection for the external works and the bathroom works despite multiple requests (copies of emails were provided). As a result of the section 20 procedure not being complied with Ms Kalsi submitted that she had suffered prejudice because she was unable to:
  1. verify whether the external works were already paid by the previous leaseholder who sold the property (flat 6) in November 2024, as according to both of our conveyancers, they may have already done so;
  2. verify the existing bathroom condition of flat 2 (belonging to the director of the management company) to determine if betterment would be taking place;
  3. investigate and if necessary, question the full scope of the dry rot works, and was subsequently unable to identify charges for unnecessary works;
  4. verify if the contractors for the bathroom works and external were reputable, inspect all quotes to view itemised charges and if necessary, make recommendations for alternative contractors.

### ***Tribunal's Response***

14. The section 20 procedure was followed but the assignor of the lease for the flat failed to pass the information to Ms Kalsi in recognition of which the Management Company applied for dispensation.
  1. The assignor of the lease should have been able to verify whether he or she had paid for the works. At the hearing the Management Company's Representative said that the leaseholders of flats 1 to 5 had made a payment but Ms Kalsi had not. The Tribunal comments upon this in the reasons [45].
  2. Ms Kalsi would not have been entitled to inspect another leaseholder's flat. Whether or not the works amount to the betterment of the bathroom of Flat 2 might be deduced from the fittings that might be seen to be removed and the invoices for the works. If this is an issue that cannot be resolved it is a matter for an application under section 27A of the Landlord and Tenant Act 1985.
  3. At the Hearing Ms Kalsi said that, notwithstanding that she had not received the Notice of Intention, she was aware there was a problem with dry rot. She said she was not questioning the necessity of remedying the dry rot or that it needed to be done as soon as possible but she did wish to raise some questions about the work and its cost [32]. The Tribunal found the survey report and the quotations comprehensive and the dispensation application proceedings afforded Ms Kalsi with an opportunity to raise any questions but she did not identify any unnecessary charges or works.

4. The dispensation application proceedings afforded Ms Kalsi an opportunity to raise any questions regarding suitability of the contractors but she did not identify any problems with those selected or submit any alternative contractors who would have been more reputable.

### **Ground 3**

15. Ms Kalsi referred to the Lease which provided her with an entitlement to become a member of the Management Company. She said she had not been given an opportunity to contact or communicate with the other freeholders since acquiring the leasehold of her property in November 2024. She also felt that the Tribunal should have had regard to what she considered to be a lack of integrity and transparency of the Management Company, its Officers and its representative.
16. Ms Kalsi also referred to an objection raised by the Management Company's Representative to her applying under section 27A of the Landlord and Tenant Act 1985 following the hearing and decision. This has already been dealt with by through the Tribunal Office.

### ***Tribunal's Response***

17. Ms Kalsi acknowledged in her application that the Tribunal could not deal with the matters regarding her membership of the company as part of the dispensation application. The Tribunal also did not consider that Ms Kalsi's opinion of the Management Company, its Officers and its representative were relevant to the dispensation application [49] to [52].

### **Conclusion**

18. Therefore, the tribunal is of the opinion that all the points raised in the above grounds of appeal were addressed in the Decision of 31 July 2025 which:
  - applied the law correctly,
  - followed *Daejan Investments Ltd v Benson and others* [2013] UKSC 14, a binding decision of a higher court,
  - provided adequate reasons for its decision,
  - only took relevant matters and did not take irrelevant matters into account when making its decision, and
  - followed proper procedure.

**Judge J R Morris**