



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

Case Reference	: HAV/24UD/LDC/2025/0644
Property	: Woodhouse Court, Simmons Close, Hedge End, Southampton, Hampshire, SO30 4NT.
Applicant	: Woodhouse Tenants Limited (Freeholder and Landlord)
Representative	: Ms Karine Noemi Residential Management Group
Respondents	: The Leaseholders of Woodhouse Court
Representative	: None
Type of Application	: To dispense with the statutory consultation requirements for qualifying works under section 20ZA, Landlord and Tenant Act 1985
Tribunal Member	: Mr J G G Wilson MRICS FCIArb
Date of Decision	: 13 August 2025

DECISION

The Decision

- 1. The Tribunal grants the application for dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the qualifying works that have been carried out, which are in outline, to replace the roof with a three-layer system using Techno Torch Felt and to retile the roof using the tiles set aside.**
- 2. This decision does not affect the Tribunal’s jurisdiction upon any future application from the leaseholders to make a determination under section 27A of the 1985 Act in respect of the reasonableness and/or cost(s) associated with the qualifying works proposed.**
- 3. On receipt of this Decision the Applicant will send the same to the Respondents (the leaseholders of Woodhouse Court) and shall confirm by 29 August 2025 this has been done.**

Background and the Application

4. 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 for qualifying works by section 20 of the 1985 Act. The application is dated 25 April 2025 and was received the same day.
5. The property is described as:
 - Woodhouse Court is a two-storey block of six flats situated upon its own site within a cul-de-sac, in Southampton, in the Southeast region of England.
 - Construction is estimated circa 2004. Flats 1, 2 and 3 are on the ground floor and Flats 4, 5 and 6 are on the first floor. The building is constructed with a part flat roof and part pitched, tiled roof with gable ends and main walls of cavity type brickwork.
 - Fenestration consists of PVC-u framed double glazed casement windows and French doors with half glazed PVC-u framed communal entrance door.
 - Internally, communal areas consist of plastered and painted ceilings and walls, concrete carpeted floors, a timber carpeted staircase and timber veneered doors to each flat.
 - The building is served by tarmacadam car park spaces and brick paviour pathways and a brick storeroom.

6. The Applicant explains under 'Grounds for seeking Dispensation' in the application "March 2024, during a severe storm with heavy rain, the Applicant was made aware that there was water ingress in the Woodhouse Court block, affecting the top flats. The Applicant instructed the site emergency repair contractor, Majengo Ltd, to investigate the issue."
7. The Applicant goes on to say:
 - "Majengo Ltd reported that strong winds had peeled back the flat roof covering. The contractor carried out emergency repairs by attaching battens to fix the roof back and covered the entire roof with heavy duty tarpaulin, to prevent further damages to the flats, the internal areas and the loft spaces. The contractor advised that the issue was a direct result of the storm, and it would validate an insurance claim. Majengo Ltd submitted a quote of £4,800.00 excluding VAT for the remedial works.
 - The Applicant submitted a building insurance claim to the insurers AJG/Zurich. The insurers instructed a loss adjuster, McLaren, to carry out an inspection of the roof.
 - June 2024, McLaren reported that following the review of the insurance policy schedule, it was concluded that terms of the endorsements had not been met and the building insurance claim was declined.
 - The Applicant approached RLH Roofing Ltd to test the market. RLH Roofing Ltd quoted £5,395.00 excluding VAT for the roof repairs. The Applicant considered the urgency of the works, finding himself in a precarious situation with the delayed decision of the insurers and the importance to remedy the situation causing a risk of health hazard and safety to the residents. Such urgency constituted the Applicant to break the nature of s20 consultation.
 - The Applicant instructed Majengo Ltd to complete the works, based on their more competitive tender. The Applicant was confident that he was acting in the residents' best interests.
 - The works included to strip back the roof tiles to expose the upstands and to set them aside to reinstate, to strip off 54m² of the felt roof and discard, to replace the roof with a 3-layer system using Techno Torch Felt including all dips and upstands, to retile the roof using the tiles set aside and to remove all the debris from the site. The job was completed by 3 men and was carried out over 2 weeks.
 - The Applicant recognises the core principles of financial burden and the magnitude of acting in the best interest of the building and leaseholders.

- We are satisfied for this application to stand alone and be represented as a whole on the condition that there are no objections from the Respondents. The Applicant reserves the right to submit a statement of case.
 - The total sum of the works was £4,800.00 excluding VAT.”
8. The Applicant has given the Tribunal a thorough outline of the sequence of events from the severe storm with heavy rain in March 2024 to its instructions given to Majengo Limited to carry out the works, which included: (a) referring the matter to the property’s building’s insurers AJG/Zurich, and (b) to seek a second quote for the works from RLH Roofing Limited ‘to test the market’.
 9. Under ‘Describe the consultation that has been carried out...’ the Applicant says no formal consultation has been carried out and adds: (a) the leaseholders have a share of the freehold interest and are in regular communication with the Applicant, and (b) the leaseholders have been provided with a copy of the Application.
 10. Under ‘Explain why you seek dispensation of all or any of the consultation requirements’ the Applicant says, “Our understanding of prejudice is that this would occur if the works resulted in an unreasonable financial cost to the leaseholder because the works:
 - were unnecessary or inappropriate
 - were carried out to an inappropriate standard
 - have resulted in an unreasonable amount of costs

The works were necessary and urgent, as recommended by the contractor, Majengo Ltd.

The contractor is a reputable company, has knowledge of the site for holding several ongoing maintenance contracts on the site and has submitted the most competitive tender.

The Applicant considered all the relevant factors and determined it is reasonable to break the full s20 consultation and carry out the works immediately. The Applicant acted within a reasonable conduct.

It is held that there was not any prejudice to the leaseholders, and that it is reasonable to dispense with the consultation requirements.”

11. The Directions dated 4 July 2025 stated the Tribunal would determine the application on the papers without a hearing in accordance with Rule 31 of the Tribunal Procedure Rules 2013 unless a party objected in writing to the Tribunal within 14 days of the receipt of these Directions.

12. **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 cost(s) incurred for the works, which have been completed, to replace the roof with a three-layer system using Techno Torch Felt and to retile the roof using the tiles set aside 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 1985 Act to determine the reasonableness of the cost(s) and their respective contributions payable through the service charge provisions in their leases.**

The Law

13. Section 20 of the 1985 Act and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease per 12 month period, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum per annum unless the required consultation processes have been undertaken or the requirement has been dispensed with by the Tribunal. An application to the Tribunal may be made retrospectively.
14. The relevant section of the 1985 Act reads as follows:
- S.20 ZA (1) Consultation requirements: supplementary
Where an application is made to [the appropriate 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.
15. In *Daejan Investments Limited v Benson and Others* [2013] UKSC 14, the Supreme Court set out certain principles relevant to section 20ZA. Lord Neuberger, having clarified that the purpose of sections 19 to 20ZA of the 1985 Act was to ensure that tenants are protected from paying for inappropriate works and paying more than would be appropriate, went on to state “*it seems to me that the issue on which the [tribunal] should focus when entertaining an application by a landlord under section 20ZA(1) must be the extent, if any, to which the tenants were prejudiced in either respect by the failure of the landlord to comply with the requirements*”.
16. Furthermore, and following *Daejan v Benson*, the Tribunal has power to grant dispensation on terms.

Consideration and Decision

17. The Tribunal notes, in the Application, the Applicant is Woodhouse Tenants Limited, listed as 'freeholder and landlord.' Ms K Noemi of Residential Management Group ('RMG') is the Applicant's representative. The Respondents are the leaseholders at Woodhouse Court. The Tribunal has been provided with a schedule of the leaseholders with their respective flat numbers; this corresponds with the outline description of the property. The Respondents have not appointed a representative.
18. The Tribunal has also been provided with a copy lease of Plot 2, Woodhouse Court dated 29 October 2004, which includes a plan of the three ground floor flats and their corresponding car parking spaces, confirmation of six flats on the Estate, and the tenant's proportion of one-sixth of the expenditure described in sub-clause 7.1 and in the Third Schedule thereof.
19. Sub-clause 7.1 is the tenant's covenant to pay its service charge contribution and at the Third Schedule is the service charge expenditure.
20. The Tribunal first considered whether it felt able to decide this application reasonably and fairly based on the papers submitted only, with no oral hearing. Having read and considered the papers and given that the application is interpreted by the Tribunal as having been unchallenged, it decided it could do so. Ms Noemi informed the Tribunal in her email dated 28 July 2025 that no objections to the application had been received from the Respondents, to comply with paragraph 17 of the Tribunal's Directions.
21. The Directions state, paragraph 14, 'The application shall stand as the Applicant's case'.
22. In its application, the Applicant states the case is appropriate to be dealt with on the Fast Track basis and goes on to say, "If a paper determination is not agreed, Fast Track would then be the more appropriate approach. The case is not complex and should be dealt with relatively speedily. There is no urgency as the works have been completed."
23. The Directions attached a reply form for the Respondents with a date for it to have been completed and to have been returned by to the Applicant to confirm whether the Respondents: (1) agreed with the application, or not; and (2) similarly agreed the Tribunal may decide the matter on the basis of written representations only (no hearing), or not. At paragraph 15 of the Directions, the Respondents are to have completed and returned the reply form by 21 July 2025. As no objections from the Respondents to the application have been received, the Tribunal has determined to proceed on the basis of a papers' determination, with the application to stand as the Applicant's case (see paragraph 20 above).

24. The principal reason why dispensation from the consultation requirements of the 1985 Act is sought by the Applicant is that following a severe storm with heavy rain in March 2024, there was water ingress to Woodhouse Court, affecting the top floor (first floor) flats, numbers 4, 5 and 6.
25. The Applicant instructed the site emergency repair contractor (Majengo Limited) to investigate the issue. Majengo Limited reported that the strength of the winds has resulted in the flat roof covering being peeled back. Subsequently Majengo Limited carried out emergency repairs by attaching battens to re-attach the roof covering and cover the entire roof with heavy duty tarpaulin as an interim measure to seek to limit and to prevent any further water ingress to the top floor flats, the internal areas and the loft space.
26. Having investigated whether an insurance claim could be made for the costs of the damage, which was declined, a further quotation for the costs of the works was obtained from a different contractor 'to test the market'.
27. Subsequently Majengo Limited were instructed to carry out the remedial works in accordance with their '...quote of £4,800.00 excluding VAT...' In their application the applicant has confirmed the works have been completed.
28. The Applicant has confirmed it is in regular communication with the leaseholders, who in turn each own the shares in the freehold interest.
29. Following all the above, the Tribunal is satisfied the qualifying works to replace the roof with a three-layer system using Techno Torch Felt and to retile the roof using the tiles set aside, having previously had emergency interim works carried out, were necessary and urgent, as recommended by the contractor Majengo Limited.
30. Taking all the above into consideration and the Tribunal having been informed there having been no objections to the application for dispensation of the consultation requirements from any of the leaseholders (paragraph 20 above), coupled with none of the same having asserted that any prejudice would be caused to them, the Tribunal consequently finds it is reasonable for the Applicant to be granted dispensation with the consultation requirements under the 1985 Act in respect of the qualifying works carried out to replace the roof with a three-layer system using Techno Torch Felt and to retile the roof using the tiles set aside.
31. Thus, the Tribunal grants the application from Ms Karine Noemi of RMG, in her capacity as the Applicant's representative at Woodhouse Court, dated 25 April 2025, for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same.

RIGHTS OF APPEAL

32. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case. All communications must clearly state the Case Number and the address(s) of the premises.
33. 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.
34. If the person wishing to appeal does not comply with the 28 days' 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 days' time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
35. 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.