



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

Case Reference	: HAV/29UK/LDC/2025/0659
Property	: Ardley Court, Campion Square, Dunton Green, Sevenoaks, TN14 5FJ
Applicant	: Ryewood Residents Management Company Limited
Representative	: Residential Management Group
Respondent	: The Leaseholders
Representative	:
Type of Application	: To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985
Tribunal Member	: Deputy Regional Judge Skinner
Date of Decision	: 16 September 2025

DECISION

Summary of the Decision

1. **The Applicant is granted 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 in relation to costs incurred in connection with works conducted to investigate and subsequently repair water ingress to the bedroom of Flat 9 Ardley Court, Campion Square, Dunton Green, Sevenoaks TN14 5FJ. The dispensation is limited to the works conducted by GB Solutions that commenced on 17th July 2024 and completed on 22 July 2024 at a cost of £4,300 excluding VAT conditional upon the Applicant sending a copy of this decision to all leaseholders.**
2. **The Tribunal has made no determination on whether the costs of the works are reasonable or payable.**

Background

3. 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. This retrospective application was received on 28 May 2025.
4. The property is described as:

A development in the locality of Dunton Green, in Sevenoaks, Kent, in the Southeast region of London.

The development consists of 45 apartments in 4 separate blocks and 21 houses: 3-10 Baxley Court, 1-9 Ardley Court, 1- 13 Yarrow Court and 1-15 Clover Court, and 1-21 Campion Square (houses). This is a total of 66 residential units.

Construction is assessed as circa 2010. The buildings have bricked external walls, sloped roofs and timber supports. The blocks also have render or "Hardieplank" cladding to some elevations. Floors are constructed from concrete with a concrete staircase. The internal walls are concrete blocks with the skim finish. Steel and timber joist balcony areas.

The ground floor of Baxley Court contains a communal gym facility.

5. The Applicant is the management company named in the leases. The freehold belongs to Berkely Ryewood Limited. All the leaseholders are the Respondents.

6. The Applicant explains that:

The Applicant was made aware of a water leak in the bedroom of flat 9 in the Ardley Court block.

The Applicant instructed the site maintenance contractor Xtra Maintenance Ltd to investigate the issue. The contractor accessed the roof with a cherry picker and reported that there was no obvious defect to the roof, only a tile with a small chip and 2 cracks in the flat roof membrane. The contractor recommended a scaffold be erected around the front and side of the building to clear any dirt and debris, carry out water testing and repair any issues. The contractor has quoted £5,740.00 exclusive VAT for the remedial works. The Applicant attempted to negotiate the price down for the scaffolding hire with Xtra Maintenance Ltd.

The Applicant sought an alternative quote and approached GB Solutions, who provided a quote of £4,300.00 exclusive VAT, and included the supply of a scaffold tower.

The Applicant considered that the urgency of the works. Due to Health & Safety and the fact that the leak made the bedroom of flat 9 usable and unsafe, the Applicant deemed the works urgent. The Applicant had a duty to permit the Leaseholder to enjoy his property. The Applicant instructed GB Solutions to carry out the remedial works.

17 July 2024 the works started and were completed on 22 July 2024.

The works were completed to satisfaction. The Applicant did not receive any complaints from the leaseholders.

The Applicant recognise 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 roof repair works for dispensation is £4,300.00 excluding VAT.

We have not been able to consult in accordance with the Section 20 requirements due to the urgency of the issue.

The leaseholders have also been supplied with a copy of this Application.

7. The Tribunal gave Directions on 12 August 2025 listing the steps to be taken by the parties in preparation for the determination of the dispute, if any.
8. The Directions stated that Tribunal would determine the application on the papers received unless a party objected in writing to the Tribunal within 7 days of the date of receipt of the Directions. No party has objected to the application being determined on the papers.
9. **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.**

The Law

10. Section 20 of the Landlord and Tenant Act 1985 (“the Act”) and the related Regulations provide 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 has been dispensed with by the Tribunal. An application may be made retrospectively.
11. The relevant section of the Act reads as follows:

S.20 ZA Consultation requirements:
Where an application is made to a Leasehold Valuation 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.
12. The appropriate approach to be taken by the Tribunal in the exercise of its discretion was considered by the Supreme Court in the case of *Daejan Investment Limited v Benson et al* [2013] UKSC 14.
13. The leading judgment of Lord Neuberger explained that a Tribunal should focus on the question of whether the lessee will be or had been prejudiced in either paying where that was not appropriate or in paying more than appropriate because the failure of the lessor to comply with

the regulations. The requirements were held to give practical effect to those two objectives and were a means to an end, not an end in themselves.

14. The factual burden of demonstrating prejudice falls on the lessee. The lessee must identify what would have been said if able to engage in a consultation process. If the lessee advances a credible case for having been prejudiced, the lessor must rebut it. The Tribunal should be sympathetic to the lessee(s).

15. Where the extent, quality and cost of the works were in no way affected by the lessor's failure to comply, Lord Neuberger said as follows:

I find it hard to see why the dispensation should not be granted (at least in the absence of some very good reason): in such a case the tenants would be in precisely the position that the legislation intended them to be- i.e. as if the requirements had been complied with.

16. The main, indeed normally, the sole question, as described by Lord Neuberger, for the Tribunal to determine is therefore whether, or not, the lessee will be or has been caused relevant prejudice by a failure of the Applicant to undertake the consultation prior to the major works and so whether dispensation in respect of that should be granted.

17. The question is one of the reasonableness of dispensing with the process of consultation provided for in the Act, not one of the reasonableness of the charges of works arising or which have arisen.

18. If dispensation is granted, that may be on terms.

19. There have been subsequent Decisions of the higher Courts and Tribunals of assistance in the application of the Decision in Daejan but none are relied upon or therefore require specific mention in this Decision.

Consideration

20. The Directions attached a reply form for the Respondents to complete to confirm whether they agreed with the application or not and if opposed, to provide a statement setting out why they oppose.

21. The Tribunal has received no replies or any objections from the Respondents.

22. Having considered the application and prior to undertaking this determination, I am satisfied that a determination on the papers remains appropriate, given that the application remains unchallenged.

23. The reason why dispensation from consultation requirements is said to be required is due to the works being urgent and necessary to address

the water ingress into the bedroom of Flat 9 Ardley Court Campion Square, Dunton Green, Sevenoaks TN14 5FJ and as such prevent further damage to the property. Given the nature of the works and the fact that it related to the safety and welfare of the building and its occupants, I am satisfied that the qualifying works were of an urgent nature.

24. There has been no objection to the dispensation of the consultation requirements from any of the Lessees. On 27th August 2025 the Applicants managing agents, Residential Management Group Limited, confirmed they had received no objections to the application.
25. None of the Lessees have therefore asserted that any prejudice has been caused to them. The Tribunal finds that nothing different would be done or achieved in the event of a full consultation with the Lessees, except for the potential delay and potential problems.
26. The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.
27. The Tribunal consequently finds that it is reasonable to dispense with all of the formal consultation requirements in respect of the major works to the building as described in this Decision.
28. I have considered whether or not any conditions should be attached to the dispensation. Overall I am satisfied that there is generally no need save that I provide the dispensation is conditional upon the Applicant supplying to each and every leaseholder a copy of this decision.
29. This Decision is confined to determination of the issue of dispensation from the consultation requirements in respect of the qualifying works as outlined at paragraph 4. 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 Landlord and Tenant Act 1985 would have to be made.
30. In reaching my decision I have taken account of the fact that no party has objected to the application. The leaseholders have had opportunity to raise any objection, and they have not done so. **I do however Direct that the dispensation is conditional upon the Applicant or their agent sending a copy of this decision to all the leaseholders so that they are aware of the same.**

RIGHTS OF APPEAL

31. 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 by email at rpsouthern@justice.gov.uk

29. 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.
30. 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.
31. 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.