



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

Case reference	:	CAM/22UC/LDC/2025/0655
Property	:	The Timber Yard, Station Approach, Braintree, Essex, CM7 3TB
Applicant	:	Together Property Management
Respondent	:	All leaseholders of dwellings at the Property
Type of application	:	Section 20ZA Landlord and Tenant 1985 – To dispense with the requirement to consult leaseholders about the works
Tribunal member(s)	:	Judge Adcock-Jones
Venue	:	Decided on the papers at 197 East Road, Cambridge, CB1 1BA
Date of decision	:	06 October 2025

DECISION

Decision of the Tribunal

The Tribunal grants an order dispensing with the consultation requirements imposed under section 20 of the Landlord and Tenant Act 1985 in respect of works to replace the waste pump.

The Application

1. The Applicant seeks an order pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) for a dispensation of the consultation requirements imposed under section 20 of the 1985 Act and set out in the Service Charges (Consultation Requirements) (England) Regulations 2003 (“the 2003 Regulations”) in respect of works relating to replacing the waste pump.

Hearing

2. The parties did not request a hearing and so the matter was dealt with on the papers.

Background

3. The Property is described as a purpose-built block of flats constructed around 2005 over ground and two upper floors of typical construction being pitch tile and cavity brick with monocouche render to the ground floor areas.
4. The Applicant is the managing agent of the Property and the Application is dated 23 July 2025. The landlord is Southern Land Securities Limited.

Directions

5. The Tribunal issued directions on 14 August 2025 providing for service of the Application, directions, description of the relevant works for which dispensation is sought, estimate of the costs of the relevant works and any other evidence relied upon on the Respondents being the leaseholders of dwellings at the Property who may be liable to pay a service charge to contribute towards the costs of the relevant works.
6. Provision was further made for the Respondents to be given an opportunity to respond to the Application and the Tribunal did not receive a response.

Inspection

7. The Directions issued did not provide for an inspection of the Property and no request for an inspection was made by the Parties. The Tribunal did not consider an inspection to be necessary or proportionate to the issue.

The Applicant's Case

8. The Applicant states they were made aware by their contracted at the waste pumps at the end of life with a measured insulation resistance of 0.4 MOhms and it should be replaced immediately. The motor winding insulation resistivity is a measure of pump health, a new pump will have a winding resistivity of >200MOhms and a pump with winding resistivity <1 MOhm is at risk of imminent failure. When the motor winding pump fails, the pump fails as a short circuit "down to earth".
9. The Applicant had checked with the pump maintenance contractor with the pump replacement work and wait to go through the Section 20 process and unfortunately, they confirmed that the pump needs to be

replaced as a matter of urgency and that was the reason why no consultation process had been carried out.

10. A copy of a lease dated 28 February 2006 was provided as part of the Application.
11. An invoice from Direct Pump Services.com dated 27 June 2025 was produced with a description of the works carried out on 02 June 2025 relating to the water pump totalling £6,396.00 plus VAT of £1,279.20 (£7,675.20).
12. An email dated 23 July 2025 timed at 10.38 was also produced which was sent to the lessees advising them of the water pump issue and that two quotations were obtained. The Tribunal was unfortunately not provided with the other quotation. The email explains that the Direct Pump Services quotation was the winning tender and as the works were urgent, they could not wait to go through the Section 20 consultation process.
13. A further email to the Tribunal dated 22 August 2025 sets out that the Applicant served the directions and Application were emailed on 20 August 2025 to the Respondents and sent by First Class Post on 22 August 2025.

The Respondent's Case

14. No response to the Application has been received from the Respondents. The Applicant's statement of case states that no objections have been received.

The Law

15. Section 20 of the 1985 Act provides that:

(1) Where this section applies to any qualifying works....., 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 leasehold valuation tribunal.*

16. The effect of section 20 of the 1985 Act is that the relevant contributions of tenants to service charges in respect of "qualifying works" are limited to an amount prescribed by the 2003 Regulations unless either the relevant consultation requirements have been complied with in relation to those works or the consultation requirements have been dispensed with in relation to the works by (or on appeal from) the tribunal.

17. "Qualifying works" are defined in s.20ZA of the 1985 Act as "works on a building or any other premises", and the amount to which contributions of tenants to service charges in respect of qualifying works is limited (in the absence of compliance with the consultation requirements or dispensation being given) is currently £250 per tenant by virtue of Regulation 6 of the 2003 Regulations.

18. Section 20ZA of the 1985 Act provides:

(1) 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.

19. The basis on which this discretion is to be exercised is not specified.

20. The consultation requirements for qualifying works are set out in Schedule 4 of the Service Charges (Consultation Requirements) (England) Regulations 2003.

The Tribunal's Decision

21. The Tribunal referred to the authority of *Daejan Investments Limited v Benson et al* [2013] UKSC 14 which sets out the Tribunal's jurisdiction to dispense with the consultation requirements and the principles upon which that jurisdiction should be exercised.

22. The scheme of the provisions is designed to protect the interests of leaseholders, and whether it is reasonable to dispense with any particular requirements in an individual case must be considered in relation to the scheme of the provisions and its purpose.

23. The purpose of the consultation requirements is to ensure that leaseholders are protected from paying for works which are not required or inappropriate, or from paying more than would be reasonable in the circumstances.

24. The Tribunal needs to consider whether it is reasonable to dispense with the consultation process. Bearing in mind the purpose for which the consultation requirements were imposed, the most important consideration being whether any prejudice has been suffered by any leaseholder because of the failure to consult in terms of a leaseholder's ability to make observations, nominate a contractor and/or respond generally.

25. The burden is on the Applicant in seeking a dispensation from the consultation requirements. However, the factual burden of identifying

some relevant prejudice is on the leaseholder opposing the application for dispensation. The leaseholders have an obligation to identify what prejudice they have suffered because of the lack of consultation.

26. The Tribunal is satisfied that the works are qualifying works to which the provisions of section 20 of the 1985 Act and the 2003 Regulations apply.
27. The Tribunal is satisfied that the works are for the benefit of and in the interests of both landlord and leaseholders of the Property given that the works ensured that the water pump was replaced before it failed which would have had a detrimental effect on the leaseholders and their water supply.
28. The Tribunal notes that no objections or responses to the Application have been made and therefore no prejudice on the part of the Respondents has been identified.
29. The Tribunal considered any financial prejudice suffered by the leaseholders due to the failure to consult. Whilst ideally, both quotations would have been produced to show the reasonableness of the invoice provided by Direct Pump Services.com, no opposing evidence contradicting reasonableness has been produced by the Respondents.
30. The Tribunal has taken into consideration that the leaseholders have not had the opportunity to be consulted under the 2003 Regulations. However, the works were urgent given the potentially imminent failure of the water pump and the effect this would have had on the leaseholders and their water supply.
31. The Tribunal is therefore satisfied that whilst the leaseholders were not initially given an opportunity to make comments on the works or nominate a contractor, it is noted that they appear to have taken no objection to the works being carried out. Whilst they initially lost the opportunity to make observations and to comment on the works or to nominate a contractor, the Tribunal finds that they do not appear to have suffered any significant prejudice. The Tribunal notes if the works had not been carried out, then the potential risk to the leaseholders and residents and their water supply could have been significant.
32. Accordingly, the Tribunal, having considered the evidence, is satisfied that it is reasonable to dispense with the consultation requirements as requested by the Applicant. The Tribunal therefore makes an order that the consultation requirements are dispensed with in respect of the replacement of a new water pump as set out within the Application.
33. This Application relates solely to the granting of dispensation. If, when they are charged, the relevant leaseholders wish to contest the reasonableness of the costs, or challenge any service charge, then they retain the right to apply to the Tribunal for a determination of those issues under section 27A of the Landlord and Tenant Act 1985.

Name: Judge Adcock-Jones

Date: 06 October 2025

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).