



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

Case Reference : HAV/24UN/LDC/2025/0679

Property : 136-138 Weyhill Road, Andover, Hampshire
SP10 3BG

Applicant : Southern Land Securities Limited

Representative : Together Property Management

Respondent : The Leaseholders (see appendix)

Representative : N/A

Type of Application : To dispense with the requirement to consult
lessees about major works section 20ZA of the
Landlord and Tenant Act 1985

Tribunal : Judge R Cooper

Date of Decision : 28 November 2025

DECISION

Summary decision

1. **Southern Land Securities Limited's application pursuant to section 20ZA of the Landlord and Tenant Act 1985 for dispensation from the statutory consultation requirements is granted without condition.**
2. **This determination does not affect the Respondents' rights to make an application to the Tribunal as to whether the costs were reasonably incurred, the works were of a reasonable standard or the payability of the service charge under s27A and 19 of the 1985 Act.**

The application

3. On 4 July 2025 the Tribunal received an application from Together Property Management on behalf of Southern Land Securities Limited ('the Applicant').
4. The Applicant seeks dispensation from the consultation requirements imposed on the Applicant by Section 20 of the Landlord and Tenant Act 1985 ('the 1985 Act') in respect of qualifying works required to repair the flat roof at 136-138 Weyhill Road, Andover, Hampshire SP10 3BG ('the Property').
5. The Applicant seeks dispensation on the grounds that works were urgently required to prevent further damage to the interior of the Property. The works are said to have been completed.
6. Following directions given on 24/10/2025 the Tribunal received confirmation from the Applicant on 10/11/2025 that no objections had been received to the application from any of the leaseholders.

Consideration

7. The Tribunal considered the application, HM Land Registry's office copy of the lease for flat 138B Weyhill Road registered under title HP501834, the directions of 24 October 2025, and email correspondence from the Applicant.
8. This was a determination made on the papers and there was no inspection. No party requested a hearing or inspection, and it was not considered necessary for a fair determination of the issues.

Determination and reasons

9. Having considered the application and totality of the evidence, the Tribunal concludes that it is reasonable for dispensation to be granted

from the consultation requirements under s20 of the Landlord and Tenant Act 1985 ('the 1985 Act') and the Service Charges (Consultation Requirements) (England) Regulations 2003 ('the Regulations') for the reasons set out below.

10. The purpose of the statutory consultation process under s20 of the 1985 Act and the associated Regulations is to ensure that leaseholders are given the fullest opportunity to comment on expenditure for which they will be partly liable to pay through the service charge. A failure to consult in respect of 'qualifying works' or 'qualifying long term agreements' results in the freeholder being unable to recover more than £250 per flat unless dispensation is granted by the Tribunal (s20(1), (6) and (7)).
11. The relevant law relating to this application is s20ZA of the 1985 Act which allows the Tribunal to grant dispensation from that statutory consultation requirement if it is satisfied it is reasonable to do so.
12. In considering the application the Tribunal has borne in mind the decision of the Supreme Court in *Daejan Investments Ltd v Benson & others* [2013] UKSC 14. In summary, the Supreme Court laid down principles to guide Tribunals considering how to determine s20ZA dispensation applications (paragraphs 40 to 69). As the proper purpose of the consultation requirements is to ensure tenants are protected from paying for inappropriate works or from paying more than would be appropriate (paragraph 42), the Supreme Court said the Tribunal must determine the extent to which the tenants have been prejudiced by the failure to consult (paragraph 44). It confirmed that tenants, therefore, must identify the prejudice they would suffer if dispensation was given which they might or would not have suffered had the formal requirements been fully adhered to. In other words, the tenants must be able to identify what they would have said or done had they been properly consulted (paragraph 65 to 69). The Supreme Court also confirmed that conditions could be imposed on any dispensation granted.
13. In this case the Applicant is seeking dispensation from the s20 consultation requirements in order that it can recover from the leaseholders the costs of works already undertaken to the roof at the Property without any consultation taking place.
14. A copy of the counterpart lease for flat 38B has been provided, and the Tribunal is satisfied that the Applicant is responsible for repairs to the roof, and the leaseholders are required to pay the service charge to cover such repairs.
15. The Tribunal has some concerns regarding the information provided in the Applicant's application.

- (i) There are inconsistencies; The Property is described in section 4 of the application as follows: *'The property being **pitched tile roof** and cavity brick that is fully rendered to the front elevation and brick faced to both side and rear'* (emphasis added).
 - (ii) In its grounds for seeking dispensation, however, the Applicant says the works are urgently required because they *'were made aware by a resident that there is an issue with the **flat roof** at the property and it requires an urgent attention'* (emphasis added). The nature of the property, whether it has a pitched or flat roof is, therefore, unclear.
 - (iii) The applicant in Ground 1 says they *'obtained quotes for the works and we have decided to proceed as soon as possible with the winning tender to prevent further damage to the interior of the flat'*. However, no copies of the email or the quotations have been provided. It is, therefore, not clear to the Tribunal what works were required or the cost of the works for which dispensation is sought.
 - (iv) As to the Applicant's reasons for seeking dispensation, all that is said in Ground 3 is *'We would like to seek a dispensation of Section 20 for the completed roof works at the property'*. No other documentation or information was provided. It is not possible, therefore, for the Tribunal to assess the question of urgency and why the requirement to consult with leaseholders could not have been carried out (even to a limited extent or on a truncated timetable).
16. However, notwithstanding the limited nature of the information provided with the application, in the light of Together Property Management's confirmation that no objections to the application had been received from any of the Respondent leaseholders, the Tribunal grants dispensation because there is no evidence before it that the Respondent leaseholders have suffered prejudice as a consequence of the failure to consult.
17. The Tribunal has considered whether the grant of dispensation should be unconditional or not. As no comments or objections have been received in relation to the application, the Tribunal finds it reasonable to grant dispensation unconditionally.
18. Although the Tribunal has granted dispensation, it has not made any decision about whether the costs were reasonably incurred or the works were of a reasonable standard. Nor has it made a determination as to whether the costs are recoverable from the Respondent leaseholders though the service charge. Those are all matters which the Tribunal may

consider but only if a separate application is made by the leaseholders under s27A and 19 of the 1985 Act.

Note: Appeals

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 that has been dealing with the case.
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, and should be sent by email to rpsouthern@justice.gov.uk.
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.

Appendix

List of Leaseholders at 136-138 Weyhill Road

1. Ms Samantha Jane Niblock - 14 Poultons Road, Overton, Basingstoke, RG25 3NA
2. Vivid Housing Ltd - Peninsular House, Wharf Road, Portsmouth, PO2 8HB
3. Mr John Clark - 16 Sarson Close, Amport, SP11 8AB
4. Mr Malcolm Norman - 136d Weyhill Road, Andover, Hampshire, SP10 3BG
5. Mr Antony Daniel Gifford & Mrs Debbie Gifford - 8 Malthouse Walk, Ludgershall, SP11 9FJ
6. Ms Helen Majeed - 27 St Thomas Close, Charlton, Andover, Hampshire, SP10 4DY
7. Mr Hunor-Oliver Kovacs - 138c Weyhill Road, Andover, Hampshire, SP10 3BG
8. Ms Isabella M Burns - 138d Weyhill Road, Andover, SP10 3BG