



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/00EY/LDC/2025/0610

Property : Block H, St David's Grove, Lytham St. Annes FY8 2QR

Applicants : Fairways Management Company (St. Annes-on-Sea) Limited

Respondents : The long leaseholders of Block H, St David's Grove

Type of Application : For dispensation from consultation requirements: section 20ZA, Landlord and Tenant Act 1985

Tribunal Members : Tribunal Judge A Davies
Tribunal Member N Swain, MRICS

Date of Decision : 24 June 2025

DECISION

The consultation requirements set out at section 20 of the Landlord and Tenant Act 1985 are dispensed with in connection with re-cladding work at Block H, St David's Grove, St. Annes-on-Sea.

REASONS

The Respondents' leases

1. The Applicant is the manager of a residential estate at St David's Grove, St. Annes-on-Sea. Block H ("the Property") is a building within the estate containing 8 flats. Each of the Respondents holds a long lease of one of those flats.

2. The Applicant's management obligations are set out at Schedule 4 to the flat leases and include at Part II (i) of the schedule an obligation to "maintain the walls of the demised premises (but excluding those parts of the Unit hereby demised) and of the building of which the demised premises form part and the girders timbers foundations and roof thereof...." Clause 2 of the lease requires the leaseholder to pay maintenance payments, which include a contribution of one eighth of the cost to the Applicant of complying with Part II of Schedule 4.

The law

3. Section 20 of the Landlord and Tenant Act 1985 ("LTA 1985") and regulations made under that section set out a detailed consultation procedure to be followed by property managers who intend to carry out work to a property at the expense of the leaseholders, where any leaseholder may be expected to have to contribute more than £250 to the overall cost. If the consultation procedure is not followed, each leaseholder's contribution to the cost is limited to £250.
4. Section 20ZA, LTA 1985, permits a manager to apply to the Tribunal for dispensation from the consultation requirement. The leading case on the application of section 20ZA is *Daejan Investments v Benson* [2013] UKSC 14, in which Lord Neuberger, in summary, said that the tribunal should focus on the extent, if any, to which the tenants were prejudiced in either paying for inappropriate works or paying more than would be appropriate as a result of the failure by the landlord to comply with the regulations. He described such prejudice (at paragraph 65 of his judgement) as a disadvantage "*which they would not have suffered if the requirements had been fully complied with, but which they will suffer if an unconditional dispensation were granted*". It is for the leaseholders to show that they have been prejudiced.

The application

5. On 21 February 2025 the Applicant applied to the tribunal for an order under section 20ZA in respect of work urgently required at the Property. Copies of the application have been sent to the Respondents, who have not sent any representations to the tribunal. There is therefore no evidence that the Respondents, or any of them, have been prejudiced by any failure on the part of the Application to follow the section 20 consultation procedures.

6. It appears from the application that the Applicant may in any event have complied with part or even all of the consultation requirements while waiting for this determination.

The required work

7. The work in respect of which dispensation is granted is as set out in the quotation dated 19 February 2025 provided by the Applicant's contractor J L Plastics Limited for the replacement of all 6 areas of shiplap cladding on the Property following rotting and loosening of part of the cladding and in the expectation that the remaining parts would require repair or replacement in the near future.