



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/00CJ/LDC/2024/0052

Property : Ingham House, Horsley Hill Road,
South Shields, NE33 3JU

Applicant : Ingham House RTM Company Limited

Representative : Potts Gray Management Company
Limited

Respondents : Various Residential Long
Leaseholders

Type of Application : Section 27A Landlord and Tenant Act
1985 – Section 20ZA

Tribunal Members : Tribunal Judge J.E. Oliver
Tribunal Member J. Elliott

Date of
Determination : 8th July 2025

Date of Decision : 8th July 2025

DECISION

Decision

1. The application to dispense with the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 ("the Act") and The Service Charges (Consultation Requirements) (England) Regulations 2003 relating to the installation of new windows at Ingham House is granted.

Background

2. This is an application made by Ingham House RTM Company Limited ("the Applicant") for the dispensation of the consultation requirements imposed by Section 20 of the Landlord & Tenant Act 1985 ("the Act") and The Service Charges (Consultation Requirements) (England) Regulations 2003 ("the Consultation Requirements") relating to the installation of new windows at Apartment 15 Ingham House Horsley Hill Road, South Shields ("the Property"). Such works are qualifying works as defined by section 20 of the Act.
3. The Property is a development of 16 apartments in a converted Victorian House on three floors. The windows in apartment 15 are in a bad state of repair and water ingress from them is causing significant damage.
4. Potts Gray Management Co. Ltd, on behalf of the Applicant, obtained eight quotes for replacement windows and provided details of the three lowest quotes. These quotes were from David Shaw Glazing (£4600), Snugfit (£4270) and Brad Tighe Glazing (£3550). The owner of Apartment 15 and the Applicant preferred Snugfit to carry out the works, having already undertaken other works at the Property.
5. Whilst the application stated the works had not started at that time, there is an urgency to the work due to the damage caused by the faulty windows.
6. At a Resident's Meeting, the issue of the replacement windows was discussed and it was agreed by the Applicant's directors and leaseholders that Snugfit would be appointed to replace the windows at the price of £4270.
7. The Applicant has an obligation to maintain and repair the windows under the terms of the Leases under which the dwellings comprising the Property are held.
8. The application to the Tribunal is dated 17th April 2024 and in respect of which directions were issued on 9th April 2025 providing for the filing of any objections by the Respondents and for the application to be determined without a hearing.
9. The Respondents made no response to the application, their agreement having been recorded at the Resident's meeting.
10. The matter was listed for a determination on 8th July 2025.

The Law

11. Section 20 of the Act provides:

(1) Where this section applies to any qualifying works or qualifying long term agreement, 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 tribunal*

(2) In this section "relevant contribution", in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement

(3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.

(4) The Secretary of State may by regulations provide that this section applies to a qualifying long term agreement-

- (a) if relevant costs incurred under the agreement exceed an appropriate amount, or*
- (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.*

(5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be the appropriate amount-

- (a) an amount prescribed by, or determined in accordance with, the regulations, and*
- (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with the regulations.*

(6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.

(7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined"

12. In the event the requirements of section 20 have not been complied with, or there is insufficient time for the consultation process to be implemented, then an application may be made to the First-tier Tribunal pursuant to section 20ZA of the Act.

13. Section 20ZA of the Act provides:

- (1) Where an application is made to a tribunal for a determination to dispense with all or any 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

(2) *In section 20 and this section-*

"qualifying works" means works on a building or any other premises, and

"qualifying long term agreement" means (subject to section (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

14. In *Daejan Investments Ltd v Benson* [2013] UKSC 14 it was determined that a Tribunal, when considering whether to grant dispensation, should consider whether the tenants would be prejudiced by any failure to comply with the Consultation Requirements.

15. In *Wynne v Yates and others* [2021] UKUT 278 LC Upper Tribunal Judge Elizabeth Cooke said:

"There must be some prejudice to the tenants beyond the obvious fact of not being able to participate on the consultation process."

Determination

16. The Tribunal is being asked to exercise its discretion under section 20ZA of the Act. Section 20ZA (1) provides the Tribunal may do so where "*if satisfied that it is reasonable to dispense with the requirements*".

17. The Tribunal, having considered the submissions made by the Applicant, is satisfied there is good reason to dispense with the consultation requirements. The Applicant has confirmed that it is unable to comply with the consultation process contained within section 20 of the Act because of the urgency of the works to prevent further damage at the Property.

18. The Tribunal noted the Applicant has engaged with the Respondents, explained what steps it is to take and has provided details of the costs of the works, having obtained eight quotes. The Tribunal is advised all the leaseholders have agreed to the works being carried out and the costs involved. No objections to the application have been received.

19. The Tribunal does not consider the Respondents have suffered prejudice by the lack of compliance with section 20 of the Act.

20. The granting of dispensation does not affect the Respondents' rights to the challenge the reasonableness or the payability of the service charges under a separate application pursuant to section 27A of the Act.

Rights of appeal

1. 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.

2. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission to appeal must be made to the First-tier Tribunal at the regional office which has been dealing with the case.
3. 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.
4. If the application is not made within the 28 day time limit, such applications 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.
5. 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 rounds of appeal and state the result the party making the application is seeking.
6. If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).