



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

**Case Reference** : **MAN/16UG/LDC/2025/0606**

**Property** : **Cardrona Court, Off Allithwaite Road, Grange Over Sands, Cumbria LA11 7AW**

**Applicant** : **Cardona Court Management Company Ltd**

**Respondents** : **The Residential Long Leaseholders**

**Type of Application** : **Landlord and Tenant Act 1985 - Dispensation application – s.20ZA**

**Tribunal Members** : **Judge J Adams**  
**Tribunal Member J Gittus, MRICS**

**Date of Decision** : **3 November 2025**

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**DECISION**

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1. The application for dispensation pursuant to s.20ZA Landlord and Tenant Act 1985 is granted in respect of the remedial works to correct dampness alongside cracked render and repair/replacement of defective rainwater goods, being qualifying works, to the Property at Cardrona Court, Grange over Sands.
2. Whilst the applicant was required by section 20 of the Landlord and Tenant Act 1985 to undertake the consultation procedure set out in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements)(England) Regulations 2003 (“the Regulations”), pursuant to s.20ZA (1) the Tribunal finds it reasonable to dispense with the requirements.

## **REASONS**

### **BACKGROUND**

1. On 31 January 2025 (and resubmitted in April and July of 2025 to correct a defect in the identity of the applicant/respondents), the applicant applied for dispensation pursuant to s.20ZA Landlord and Tenant Act 1985 (Dispensation) in respect of qualifying works to the Property known as Cardrona Court, Off Allithwaite Road, Grange Over Sands, Cumbria LA11 7AW.
2. Cardrona Court is a Property built circa 1870, of stone construction and split into 6 individual residential flats, occupied pursuant to residential long leases. The applicant is the Cardrona Court Management Company Ltd, the freeholder. They are represented by Rowan Building Management Ltd. The respondents are the residential leaseholders of flats 1-6 in Cardrona Court.
3. The application sought Dispensation for urgent works which had been undertaken at the property in respect of works to rectify dampness to flat 3, alongside issues with cracked render and defective rainwater goods. The application set out the following:

*The qualifying works included addressing the rising damp findings, spec and quote outlined for flat 3 in the survey report attached (i.e. recommendayions (sic) on page 14 and spec/quote on page 19). The works were started on Tuesday 10th December 2024 and completed on 13th December 2024.*

*Due the emergency nature of the report findings, works required and health and safety risk to flat 3 we therefore seek dispensation on the requirement for issuing the section 20 notice of intention and estimates for the rising damp remedial works required and we don't believe any individual owners were made financially worse off by the decision and process undertaken (i.e. works required and comparative quote(s) sought (sic) plus discussed with all owners present at the AGM)".*

4. The applicant advised that the cost of the works would be £4,536.80 and that the respondents had been notified for the need for works at an AGM. The applicant in their application noted that the works had been undertaken due to their urgent nature and impact on the structure of the fabric of the building if not completed urgently. The extent of the works were identified in the survey of RTC group from June 2024 and thereafter completed by RTC in December 2024. As such the applicant asked that Dispensation be given after completion.
5. Clause 5.4 of the Lease provided for flat 3 (it is understood all leases contain the same provisions) provides that the applicant is to *maintain repair redecorate and renew a) the main structure and in particular the roof chimney stacks gutters and rainwater pipes of the mansion.*
6. It is understood that the applicant undertook the works to remedy the dampness and defective rainwater goods, which would be qualifying works and thereafter sought dispensation. Invoices have been provided showing the cost of the works totaled £4536.80, and were completed between 10 and 13 December 2024.
7. The applicant advised the costs were rechargeable to leaseholders, and it was noted that the lease provides that the respondents are to contribute 1/6 shares in respect of works for which the applicant is responsible via the service charge. The Tribunal refers to paragraph 16 below in this regard. No further quotes were provided for the works although it was understood that comparable quotes were obtained.

#### THE CONSULTATION PROCEDURE

8. As the cost to each leaseholder was expected to exceed £250, the applicant was required by section 20 of the Landlord and Tenant Act 1985 to undertake the consultation procedure set out in Part 2 of Schedule 4 to the Service Charges (Consultation Requirements)(England) Regulations 2003 (“the Regulations”).
9. Consultation can be dispensed with pursuant to s.20ZA(1) Landlord and Tenant Act 1985 if the Tribunal finds it reasonable to do so.

#### THE APPLICATION

10. The application was listed for paper determination, without a property inspection. The respondents were provided the opportunity to provide a response to the application pursuant to the directions issued on 11 July 2025, and no such response was received by the Tribunal, or it is understood, the applicant.
11. The Tribunal proceeded to determine this matter by way of paper determination on 3 November 2025 in accordance with the Directions issued and had regard to the bundle of documentation filed by the applicant.

## FINDINGS AND CONCLUSION

12. The Tribunal noted that the applicant appointed the contractor to complete the works who had provided the quotation for the necessary works. It was further noted that the respondents had been advised of the need for urgent works at a AGM and the applicant provided communication with one leaseholder which referenced previous discussions as to the need for and costs of the works.
13. Further the Tribunal found that on the basis of the information set out in the application and the documents provided, in particular the survey report from RTC from June 2024, which was unchallenged by the respondents, the damp works and repairs to the rainwater goods were significant and urgent in nature due to the impact they were having on the structure of the Property, particularly in the vicinity of flat 3. It was noted that comparable quotes were obtained, although not provided.
14. The Tribunal considers the leading case on dispensation to be the Supreme Court decision in *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 ('Daejan'). In *Daejan*, Lord Neuberger stated that in deciding pursuant to section 20ZA whether it is reasonable to dispense with consultation requirements, a tribunal should consider whether any relevant prejudice would be suffered by the leaseholders. Lord Neuberger stated that whilst the legal burden of proof rests throughout on the landlord, the factual burden of identifying some relevant prejudice that they would or might have suffered rested on the tenants. Lord Neuberger went on to hold that a Tribunal is permitted to grant dispensation on terms, including compensating leaseholders for any prejudice suffered by

requiring a landlord to reduce the amount claimed as service charge, and including an order for costs.

15. In view of the decision in *Daejan* and the Tribunal considering that there has been no prejudice to the respondents by the failure to comply with the consultation requirements, it is appropriate to grant Dispensation pursuant to s.20ZA (1) Landlord and Tenant Act 1985, the Tribunal, finding it reasonable to do so. As such the service charge contribution to the cost of damp and rainwater goods works is not limited to £250 per leaseholder.
16. The Tribunal expresses no view as to whether any costs associated with the works are reasonable in amount, whether the works were necessary or of a reasonable standard or whether the costs intended to be recovered by way of service charge are contractually payable under the leases or within the meaning of 'relevant costs reasonably incurred' in sections 19 and 27A of the Act. No such applications are currently before this Tribunal and the Tribunal's decision does not include or imply any determination of such matters.