



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

Case Reference	:	MAN/00BY/LDC/2025/0628
Properties	:	Various Properties in Liverpool
Applicants	:	South Liverpool Homes
Respondents	:	Various Long Residential Leaseholders/Tenant
Type of Application	:	Landlord & Tenant Act 1985 – Section 20ZA – Dispensation of Consultation Requirements
Tribunal Members	:	Judge J Stringer Tribunal Member J O’Hare, MRICS
Date of Decision	:	19th December 2025

DECISION

1. Pursuant to section 20ZA Landlord and Tenant Act 1985, the requirement to consult with the Respondents in accordance with the consultation requirements contained in section 20 of the Landlord and Tenant Act 1985 and Schedule 1 of the Service Charges (Consultation Requirements) (England) Regulations 2003 (SI 2003/1987) in respect of the qualifying long term agreements for the supply of gas and electricity to the landlord communal area meter supplies of the Properties is dispensed with until 19th December 2028.

REASONS

Preliminary Matters

1. This application is made by South Liverpool Homes, Landlord of the Respondents' Properties, for dispensation from the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 ('the Act').
2. The only issue for the Tribunal to consider is whether or not it is reasonable to dispense with the consultation requirements.
3. The Applicant in the application notice agreed to the appeal being considered on the papers without an oral hearing. There has been no response to the application from the Respondents. Having reviewed the written evidence and noted the Applicant's consent, and the absence of any objection from the Respondents, the Tribunal concluded pursuant to Rule 31 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 that it is able to decide the matter without a hearing.
4. In accordance with the *'Practice Direction from the Senior President of Tribunals: Reasons for decisions'*, this decision refers only to the main issues and evidence in dispute, and how those issues essential to the Tribunal's conclusions have been resolved.

Background to the application

5. South Liverpool Homes have applied pursuant to section 20ZA of the Landlord and Tenant Act 1985 (LTA 1985), and by way of an application notice dated 4th April 2025, for dispensation of consultation requirements provided for by section 20 LTA 1985. The application is in respect of consultation relating to qualifying long-term agreement (QLTAs) for energy supplies to communal areas of the Property, and the service charges relating to these supplies. The communal area charges relate to matters such as lighting in shared areas, lifts, door entry systems, and communal heating.
6. The Respondents to the application are set in Schedule 2 to this decision.
7. A specimen tenancy agreement (in respect of the tenants) and a specimen shared ownership lease (in respect of leaseholders) have been submitted that sets out the parties' respective obligations in respect of repairs and service charge liabilities.
8. The Applicant seeks dispensation on the following basis – *"South Liverpool Homes have entered into 2 - 3 year contracts for the supply of gas and electricity to our landlord communal area meter supplies. Whilst the start date of the new contracts are staggered dependant on when existing contracts come to an end, for some landlord supplies these new contracts started on 01/10/2024. Meters will be transferred onto new contracts during the course of the next 7/8months, with the last meter transferring onto a new contract*

on 14/05/2025. The new contracts entered into have end dates of either 30/09/2027 or 31/03/2028 for electricity supplies, with all gas contracts expiring on 31/12/2027... Given the volatility of the energy market and the increased prices being seen for gas and electricity, South Liverpool Homes have sought to mitigate the current price rises by entering into a longer-term contract, for the benefit of tenants and leaseholders. Dispensation allows us to act quickly and lock in the best possible deal before prices rise further, and ensures that as our current contracts come to an end, we move seamlessly in to new contracts avoiding the need for tenants and leaseholders to pay out of contract variable rates on their energy usage.”

Issues

9. The following issues were identified for determination by the Tribunal:
 - a. Should the Tribunal permit the statutory consultation requirements under section 20 LTA 1985 in relation to works to be dispensed with in accordance with section 20ZA LTA 1985?

The Law

10. Extracts from sections 20 and 20ZA of the Act are reproduced in Schedule 1, below. Section 20ZA subsection (1) provides that the tribunal may make a determination to dispense with consultation requirements “*if satisfied that it is reasonable to dispense with the requirements*”.
11. The Tribunal has had regard to the guidance on dispensation given by the Supreme Court in *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 (*‘Daejan’*), in particular, 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.
12. The Tribunal note 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, and that a Tribunal is permitted, subject to evidence, to grant dispensation on terms, including compensating tenants/leaseholders for any prejudice suffered by requiring a landlord to reduce the amount claimed as service charge, and including an order for costs.

Evidence

13. The material/evidence submitted by the Applicant is limited to the application for dispensation dated 4th April 2025, copy correspondence with the Respondents in relation to the contracts/dispensation application and the specimen tenancy agreements/leases. Those documents are contained in the Applicant’s 91-page electronic bundle.
14. The Tribunal has carefully considered all the available written evidence.

Relevant Evidence and the Tribunal's Conclusions on the Issues

15. None of the Respondents has submitted a response to the application. On the Applicant's evidence, correspondence in relation to the application has been sent to each individual Respondent, and the application, together with other documents in relation to the application, including the Tribunal directions, have been made available on the Applicant's website. There is no evidence to indicate that any Respondent objects to the application, nor is there any evidence before the Tribunal that indicates that any Respondent consider themselves to be prejudiced in any way by the absence of a section 20 consultation exercise.
16. The Applicant's evidence is that limited to that contained in the application (which is supported by a Statement of Truth). The Tribunal would ordinarily expect to have seen more extensive evidence in support of the application, for example, a witness statement of an identified officer of the Applicant, or of a person advising the Applicant on its energy contracts. There is also no evidence as to why this application post-dates the relevant contracts.
17. However, on the basis of the (somewhat limited) evidence by way of the application and in the absence of any response from the Respondents objecting to the application, the Tribunal is satisfied that by reason of fluctuations in gas and electricity prices there is likely to be a benefit for tenants and leaseholders (lower prices and therefore service charge liabilities) in the Applicant being able to enter into longer-term energy supply contracts, and to be able to do so quickly.
18. The Tribunal finds that there is no relevant prejudice to any of the Respondents as a consequence of the Applicant entering into the contracts or proposed contracts without first carrying out the section 20 consultation.
19. The Tribunal further notes the evidence of the Applicant that *"It is proposed that South Liverpool Homes would send letters to all tenants and leaseholders affected by the S20 dispensation process, providing details of the application: 1. Details of the consultation procedure is available on our website, including when S20 dispensation may be required. 2. A copy of the S20 application is available on our website. 3. Copies of any documents (e.g. hard copies or electronic broker quotes) can be provided on request. 4. Directions, when made available by the tribunal will be available on our website."*
20. The Respondents have made no representation as to any condition the Tribunal might impose in granting dispensation, however, given the very limited evidence supporting the application, the Tribunal consider that the dispensation should be on condition that it is for a defined period (3 years), and that a further application is therefore required (potentially supported by more detailed evidence) on the expiry of that period.

21. There is no evidence of any cost being incurred by the Respondents that should appropriately be met by the Applicant.
22. In these circumstances, the Tribunal considers it reasonable to dispense with consultation requirements for a period of 3 years from the date of the decision, that is, until 19th December 2025.
23. The Tribunal makes no findings, and expresses no view, as to whether any costs associated with the QLTAs for which dispensation has been granted are reasonable in amount, or whether the costs intended to be recovered by way of service charge are contractually payable under the tenancy agreements or are 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.

J Stringer

Tribunal Judge

19th December 2025

Schedule 1

Extracts from legislation

Landlord and Tenant Act 1985

Section 20

(Subsections (1) and (2):)

(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 under the agreement.

Section 20ZA

(Subsection (1))

(1) Where an application is made to a 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.

Schedule 2

Schedule of Respondents - MAN/00BY/LDC/2025/0628 - South Liverpool Homes
(various properties in Liverpool)

Cobden Place, Woolton, L25 7UB

Mrs J Murphy	FLAT 1 Cobden Place
Mrs M Griffiths	FLAT 2 Cobden Place
Mr J Stead	FLAT 3 Cobden Place
Mr A Hopwood	FLAT 4 Cobden Place
Mr R Jones	FLAT 5 Cobden Place
Mr D Murphy	FLAT 6 Cobden Place
Mrs B Williams	FLAT 7 Cobden Place
Mr S Murphy	FLAT 8 Cobden Place
Mr R Macauley	FLAT 9 Cobden Place
Mrs G Dewsbury	FLAT 10 Cobden Place
Mrs D Wright	FLAT 11 Cobden Place
Mr J Finn	FLAT 12 Cobden Place
Mr J Dobie	FLAT 14 Cobden Place
Mr S Goodwin	FLAT 15 Cobden Place
Ms D Breen	FLAT 16 Cobden Place
Mr S Rose	FLAT 17 Cobden Place
Mrs W Lynn	FLAT 18 Cobden Place
Mrs D Halligan	FLAT 19 Cobden Place
Mrs C Scoullar	FLAT 20 Cobden Place
Mrs M Guinness	FLAT 21 Cobden Place
Mrs C Maylor	FLAT 22 Cobden Place
Mrs D Mohan	FLAT 23 Cobden Place
Mr P Summers	FLAT 24 Cobden Place
Mr T Farrel	FLAT 25 Cobden Place
Mrs I Petch	FLAT 26 Cobden Place
Mrs J Billingsly	FLAT 27 Cobden Place
Miss M Field	FLAT 28 Cobden Place
Mrs B McNamara	FLAT 29 Cobden Place
Mr JJ Kirwan	FLAT 30 Cobden Place
Mrs V Ferguson	FLAT 31 Cobden Place
Mrs M Teevan & Mr R Teevan	FLAT 32 Cobden Place
Mr F Leyland	FLAT 33 Cobden Place
Mr T Mallon	FLAT 34 Cobden Place
Mrs V Price	FLAT 35 Cobden Place
Mr J Seddon	FLAT 36 Cobden Place
Mr T Hughes	FLAT 37 Cobden Place
Mr P Wilson	FLAT 38 Cobden Place
Ms J Allport	FLAT 39 Cobden Place
Mr A Jones	FLAT 40 Cobden Place
Miss C Backhouse	FLAT 41 Cobden Place

Mr P Jones	FLAT 42 Cobden Place
Ms E Stewart	FLAT 43 Cobden Place
Mr P Fry	FLAT 44 Cobden Place
Mrs K Chung	FLAT 45 Cobden Place
Mr D Crumpton	FLAT 46 Cobden Place
Mr N Long	FLAT 47 Cobden Place
Mr M Rickett	FLAT 48 Cobden Place
Mrs C Rice	FLAT 50 Cobden Place
Ms S Strevens	FLAT 51 Cobden Place
Mrs G Daly	FLAT 52 Cobden Place
Mr N Barrie	FLAT 53 Cobden Place
Miss C Mahoney	FLAT 54 Cobden Place
Ms L Tait	FLAT 55 Cobden Place
Mrs L Martin	FLAT 56 Cobden Place
Mr D Barlow & Mrs V Barlow	FLAT 57 Cobden Place
Mrs P Fox	FLAT 58 Cobden Place
	FLAT 59 Cobden Place

Servite Court, Millcroft Road, Woolton, L25 8TS

Mr F Rowan	FLAT 1 Servite Court
	FLAT 1A Servite Court
Mrs H Clucas & Mr JP Clucas	FLAT 2 Servite Court
Mr A Jackson	FLAT 3 Servite Court
Mr JS Huxley	FLAT 4 Servite Court
Ms P Spencer	FLAT 5 Servite Court
Mr W Jenkins	FLAT 6 Servite Court
Mrs D Johnson	FLAT 7 Servite Court
	FLAT 8 Servite Court
Mr K Swanson	FLAT 9 Servite Court
Mr R Cooke	FLAT 10 Servite Court
Mrs E Betteley	FLAT 11 Servite Court
Mr A Newby	FLAT 12 Servite Court
Mrs T Dreves	FLAT 13 Servite Court
Mr P Owen	FLAT 14 Servite Court
Mrs C Carribine	FLAT 15 Servite Court
Mr J Gibbons	FLAT 16 Servite Court
Mrs J Wilson	FLAT 17 Servite Court
Mrs T Byrne	FLAT 18 Servite Court
Mr JF Martin	FLAT 19 Servite Court
Mr W Buchanan	FLAT 20 Servite Court
Mr A Price	FLAT 21 Servite Court
Mr J Foster	FLAT 22 Servite Court
Ms L Catterall	FLAT 23 Servite Court
Mrs J A Taylor & Mr J Taylor	FLAT 24 Servite Court
Mr D Ellis	FLAT 25 Servite Court
Mrs M Rannard	FLAT 26 Servite Court
Mr J Cochran	FLAT 27 Servite Court
Mr A Edwards	FLAT 28 Servite Court
Mr P Burke	FLAT 29 Servite Court
Mr JP Scallan	FLAT 30 Servite Court

Mr J Turner
Mrs P Smythe
Mr H Ireland
Ms A Edwards
Mr S Palombella
Mr S Alger
Mr M Canning
Mrs J Ward
Mrs M Horner
Mrs P Brown
Miss G Ashworth
Mrs J Annesley
Mr S Jeffrey
Ms V Emerson
Mrs G McCoy
Mr G Heaps
Mrs R Parkinson
Mrs J Duke
Miss B Jones
Mrs R Berry
Ms N Tetley & Mr D Tetley
Mrs N Martin
Miss E Young
Mrs B Rotheram
Ms J Scott
Mr R Wootton
Mr H Williams
Mrs O Ossman
Mrs M Windle
Mr P McDermott
Mr B Cain
Mrs J Fowler

FLAT 31 Servite Court
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FLAT 64 Servite Court
FLAT 24A Servite Court

Locke Street, Garston, L19 8EH

Miss A Peterson
Mr J Portman
Mr P Brogan
Mr W Jevons
Mr P Smith
Mrs D Fay
Ms M Smith
Mr H Alexander
Miss T Noone
Mrs L Skerry
Ms P Weadock
Mr A Gorman
Ms T Lawler
Mr JB Wahid
Mr J Ponder

FLAT 2 Locke Street
FLAT 3 Locke Street
FLAT 4 Locke Street
FLAT 5 Locke Street
FLAT 6 Locke Street
FLAT 7 Locke Street
FLAT 8 Locke Street
FLAT 9 Locke Street
FLAT 10 Locke Street
FLAT 11 Locke Street
FLAT 12 Locke Street
FLAT 14 Locke Street
FLAT 15 Locke Street
FLAT 16 Locke Street
FLAT 17 Locke Street

Mrs A Bullock	FLAT 18 Locke Street
Mrs S Ogden & Mr J Ogden	FLAT 19 Locke Street
Mrs P Putterill & Mr A Putterill	FLAT 20 Locke Street
Ms E Dillon	FLAT 21 Locke Street
Miss J Williams & Mr A Williams	FLAT 22 Locke Street
Mr D Tate	FLAT 23 Locke Street
Mr D McLeod	FLAT 24 Locke Street
Mrs K Gorman & Mr S Gorman	FLAT 25 Locke Street
Mr M Dodd	FLAT 26 Locke Street
Mr M Hannon & Mrs A Hannon	FLAT 27 Locke Street
Mr G Black	FLAT 28 Locke Street

Cavalier Drive, Garston, L19 2RU

Mrs E Heckle & Mr K Heckle	FLAT 18 Cavalier Drive
Mr M Stephens	FLAT 19 Cavalier Drive
Miss N S Pyke	FLAT 20 Cavalier Drive
Mr S Casey	FLAT 21 Cavalier Drive
Mr J Jackson	FLAT 22 Cavalier Drive
Mrs S Williams & Mr S Williams	FLAT 23 Cavalier Drive
Ms P Shannon	FLAT 24 Cavalier Drive
Mr P Fovargue	FLAT 25 Cavalier Drive
Miss K Miles	FLAT 26 Cavalier Drive
Miss J McLean	FLAT 27 Cavalier Drive
Mr D Johnstone	FLAT 28 Cavalier Drive
Ms S Bellis	FLAT 29 Cavalier Drive

161 Booker Avenue, Allerton, L18 7HE

000Ms P Crawford	Apartment 1 161 Booker Avenue
Mr P Crutchley	Apartment 2 161 Booker Avenue
Mr J Wood	Apartment 3 161 Booker Avenue
Mrs J Kennedy	Apartment 4 161 Booker Avenue
Ms P Millen	Apartment 5 161 Booker Avenue
Miss M Meehan	Apartment 7 161 Booker Avenue
Ms G Shilton	Apartment 8 161 Booker Avenue
Ms I Walton	Apartment 9 161 Booker Avenue
Mr E Alleyne Johnson	Apartment 10 161 Booker Avenue
Mr T Currie	Apartment 11 161 Booker Avenue
Miss J Randles	Apartment 12 161 Booker Avenue
Miss E Conboy	Apartment 14 161 Booker Avenue
Mr P McKean	Apartment 15 161 Booker Avenue
Mr T Foley & Mrs F Foley	Apartment 16 161 Booker Avenue
Miss J Francis & Mr A Patterson	Apartment 17 161 Booker Avenue

18 Livingston Drive, Aigburth, L17 4LR

Mrs C Campbell	Apartment 1 18 Livingston Drive
Mrs S Cummings & T Cummings	Apartment 2 18 Livingston Drive
Mr C Rooth	Apartment 3 18 Livingston Drive
Ms N Tate	Apartment 4 18 Livingston Drive
Mrs K Sargeant	Apartment 5 18 Livingston Drive
Mrs R Rotherham	Apartment 6 18 Livingston Drive
Dr JA Smith	Apartment 7 18 Livingston Drive
Ms A Radford & J Radford	Apartment 8 18 Livingston Drive
Miss J Benmayor	Apartment 9 18 Livingston Drive
Mr L Beswick	Apartment 10 18 Livingston Drive
Mr M Hunter	Apartment 11 18 Livingston Drive
Miss L Edison	Apartment 12 18 Livingston Drive
Miss J Murray	Apartment 14 18 Livingston Drive
Miss CI Jolly	Apartment 15 18 Livingston Drive
Mrs M Whitham & N Whitman	Apartment 16 18 Livingston Drive
Mr J Jennings	Apartment 17 18 Livingston Drive
Ms J Cook	Apartment 18 18 Livingston Drive
Mr S Goldfinch & Miss R Tetlow	Apartment 19 18 Livingston Drive
Mrs E Rogers	Apartment 20 18 Livingston Drive
Mrs A Johnson	Apartment 21 18 Livingston Drive
Mr M Barlow	Apartment 22 18 Livingston Drive
Ms J Bayliss	Apartment 23 18 Livingston Drive