



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

Case Reference : HAV/43UD/LDC/2025/0716

Property : Merrow Court, Levylsdene, Merrow, Guildford,
GU1 2SA

Applicant : Merrow Court Residents Association Limited

Representative : HES Estate Management Ltd

Respondent : The Leaseholders

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 Member : Judge R Cooper

Date of Decision : 13 January 2026

DECISION

The Applicant's application for dispensation from the statutory consultation requirements pursuant to s20ZA of the Landlord and Tenant Act 1985 is granted without condition.

This dispensation does not affect the Respondents' rights to make an application to the Tribunal as to the reasonableness or payability of the service charge under sections 27A and 19 of the 1985 Act.

The application

1. On 9 September 2025 the Tribunal received an application from HES Estates Management Limited ('HES') on behalf of Merrow Court Residents Association Limited ('the Applicant'). HES are the managing agents for the Applicant.
2. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act') from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act in respect of qualifying works required to repair the flat porch roofs at Merrow Court, Levylsdene, Merrow, Guildford GU1 2SA ('the Property'). The Property is described as a three storey L-shaped building that was purpose built as residential property in around 1959. It comprises 24 maisonettes with tiled pitched and flat roofs.
3. The Respondents to the application are the leaseholders of the 24 flats, listed in the Appendix to this decision ('the Respondents').
4. The Applicant seeks dispensation on the grounds that works are urgently required to prevent further water ingress damage to the flats. A previous contractor started to strip back the roofs but failed to complete the roofing works. As a result, they are exposed to the elements. The works are urgently required in order to make the property watertight.
5. Directions were given by a legal officer on 29 September 2025. These included directions requiring the Applicant to serve a copy of the application and response form on the Respondents, and for the Respondents to notify the Tribunal if they objected to the application. Directions were also given about the procedures that needed to be followed if objections were received.
6. The Applicant confirmed on 29 September 2025 that the application had been sent to the Respondents and on 8 October 2025 confirmed no objections had been received. However, the Applicant failed to provide authorisations from the Applicant for HES to represent them in this matter before the Tribunal as directed. The Application was, therefore, struck out on 9 October 2025 for the failure to comply with Directions. The application was subsequently reinstated on 6 January 2026 following a formal application on 19 December 2025.

Consideration

7. The Tribunal considered the application and supporting documents, comprising the original estimate for the works and correspondence between HES and JWF Roofing and Maintenance ('JWF'), the company

who had started but failed to complete the porch roof repairs, and photographs.

8. This was a determination made on the papers and there was no inspection. None of the parties 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 is satisfied 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 for the reasons set out below.
10. The purpose of the statutory consultation process under s20 of the 1985 Act 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.
11. The relevant law relating to this application is s20ZA of the 1985 Act which allows the Tribunal to grant dispensation from the statutory consultation requirements if it is satisfied it is reasonable to do so. In considering the application I have borne in mind the principles set down by the Supreme Court in *Daejan Investments Ltd v Benson & others* [2013] UKSC 14.
12. The Applicant says that works were urgently required due to the partial stripping back of the roofs of the porches by JWF, which was not completed as after nearly three months without progress being made the contract was terminated by the Applicant on 14 August 2025. This was due to the ongoing failure by JWF to carry out and complete works that HES were informed should take between two and four weeks. As the roofs have been partially stripped back, they are exposed to the elements and there is a risk of water ingress causing further damage to the Property.
13. The initial quote for the works from JWF included the stripping back of existing roof to the original decking, recreating the internal roof structure to ensure correct pitch, fitting of quality mineral felt, lead flashing and new UPVC guttering and downpipe fittings, at a cost of £12,320. The awarding of the contract to JWF had followed a full s20 consultation carried out between 14 February 2025 and 2 May 2025.
14. At the time of the application, the works for which dispensation is sought had not been commenced. No quotation was provided with the application, but the Applicant says the costs will be higher than the

£12,320 quoted by JWF on the original estimate for reroofing five double and two single porch roofs.

15. No objections to the application were received by the Tribunal. The Applicant also confirmed that by 8 October 2025 no objections to the application were received by them from the Respondents.
16. There is no evidence before the Tribunal suggesting the Respondents would be prejudiced by a failure of the landlord to consult.
17. In all the circumstances the Tribunal was satisfied it was reasonable to grant dispensation under s20ZA of the 1985. The Tribunal is satisfied that the works are urgently required in order to prevent water ingress and damage to the Property, and to complete the works commenced by JWF.
18. The Tribunal considered whether to impose conditions on that grant of dispensation, but decided it was not appropriate. The works are limited in scope and there are no objections.

Decision

19. The Tribunal, therefore, is satisfied that it is reasonable to grant dispensation from the s20 consultation requirements under s20ZA of the 1985 Act, and for that dispensation to be without condition.
20. Although the Tribunal has granted this dispensation, in doing so it is making no determination as to either
 - the reasonableness of the works that have been carried out or will be carried out following this grant of dispensation,
 - the reasonableness of the costs of the works already carried out or those proposed or
 - whether the costs are payable by the Respondents though the service charges.

Those are matters which the Tribunal may determine, but only if an application is made to the Tribunal under sections 27A 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 Respondents

Mr Z Varga & Miss M Szabo	1 Merrow Court
Mr A E M Glennon	2 Merrow Court
Mr F Bassam	3 Merrow Court
Mr I Thomason	4 Merrow Court
Mrs F Odell	5 Merrow Court
Mr G Hardo & Mrs M Bahhadi-Hardo	6 Merrow Court
Mr G T Smith	7 Merrow Court
Ms C R Woodward	8 Merrow Court
Exors of the Late Mrs A R J Price Dec'd	9 Merrow Court
Miss L E Romaniuk	10 Merrow Court
Mr J M and Mrs E L Brown	11 Merrow Court
Exors. of Mr P Ratnieks	12 Merrow Court
Mr R F Snow	13 Merrow Court
Ms N J Sharpin	14 Merrow Court
North Downs Housing Limited	15 Merrow Court
Mr G Manson-Smith	16 Merrow Court
Mr J Butler and Mrs K D Butler	17 Merrow Court
Ms C Woodward	18 Merrow Court
Mr S Green	19 Merrow Court
Ms L MacInnes	20 Merrow Court
Mr P J McKenna & Miss E L Relton	21 Merrow Court
Mr C Marsh	22 Merrow Court
Mr C B G and Mrs L Cleret	23 Merrow Court
Ms W J Ann	24 Merrow Court