



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

Case reference : **MAN/00CY/LDC/2025/0643**

Property : **Fox Court, Greetland, Halifax, HX4 8EE**

Applicant : **Places for People Homes Ltd**

Representative : **Karine Noemi - Residential Management Group Limited**

Respondents : **The residential long leaseholders**

Type of Application : **Landlord & Tenant Act 1985 - Section 20ZA**

Tribunal Members : **Mr J Platt FRICS, FTPI
Mr N Foster FRICS
Dr T Gledhill FRICS**

Date of Paper Determination : **08 January 2026**

DECISION

DECISION

1. Pursuant to section 20ZA of the Landlord and Tenant Act 1985 the tribunal makes a determination to dispense with the requirement to consult with the Respondents on the works to replace support pillars for the front roofs of houses at Fox Court undertaken by Beara Properties in April 2025 at a cost of £14,700 including VAT.

REASONS

The Application

2. The application ('the Application') was made on 2 July 2025 by Residential Management Group on behalf of Places for People Homes Ltd ('the Applicant'). It seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 ('the Act') in relation to the statutory consultation requirements prescribed by section 20.
3. Dispensation is sought for works to replace support pillars for the front roofs ('the Works') of houses at Fox Court, Greetland, Halifax HX4 8EE ('the Property'). Fox Court is a housing complex comprising of 20 houses / flats let on long leases. The Applicant is the freehold proprietor of the Property and the Respondents are the long leasehold tenants of the 20 houses / flats.
4. A sample lease refers to the "premises" being flats contained within "the Building" known as Fox Court. The Applicant refers to the premises as houses rather than flats but nothing turns on that distinction. The lease evidences that the tenants' obligations include the payment of a variable service charge towards costs incurred by the Landlord in the repair maintenance and provision of services. The Landlord obligations include "maintain repair redecorate and renew ... the roof foundations and main structure of the Building".
5. Directions were issued on 10 October 2025. The Applicant submitted a bundle of papers including a statement of case and supporting documents. The Applicant seeks dispensation based on its evidence that:

The Applicant was made aware that the support pillars for the front roofs of all the Fox Court houses were not compliant with The Occupiers Liability Acts of 1957 and 1984 and posed a risk due to their structural inadequacy.

To address Section 2.3.1. of the report, the Applicant instructed the site repair contractor Rescom Ltd (Rescom) to investigate the matter.

12 December 2024, Rescom reported that the posts supporting the porch roofs of the maisonettes were not anchored securely into the ground and were decaying. Accordingly, Rescom recommended the replacement of the posts as the appropriate course of remedial action.

Rescom suggested that it would be prudent to carry out any necessary repairs without delay, particularly in light of the approaching winter season.

6. The Applicants' evidence is that it approached 4 contractors, 2 subsequently withdrew, leaving Rescom and Beara Properties to submit tenders.
 - 14 December 2024, Rescom quoted £1,500.00 excluding VAT per post.
 - 16 January 2025, Beara quoted £12,250.00 excluding VAT.

7. The Applicant misread Beara's quote as £1,250 excluding VAT which placed it below the threshold for section 20 consultation. Due to the misread of the quote and the perceived urgency of the works an order was placed for the works which were undertaken on 10 April 2025.
8. The Tribunal, therefore, understands that the works have already been undertaken and the Applicant, in effect, seeks retrospective dispensation.
9. None of the Respondents submitted a statement to the tribunal opposing the Application and the Applicant has confirmed that none of the Respondents has submitted any objections to the Application directly to itself.
10. The Applicant indicated that it would be content with a determination on the papers. The tribunal considered this to be appropriate because none of the Respondents opposed the Application, neither party had requested a hearing and because there was sufficient information before the tribunal to reach a decision. In view of the matters in issue, it was unnecessary to conduct an inspection of the Property.

The Law

11. Extracts from sections 20 and 20ZA of the Act are reproduced in Schedule 1. 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'.
12. 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.

Findings of fact and Reasons for decision

13. None of the Respondents have submitted a statement of case opposing the Application. There is no evidence before the tribunal that any of the Respondents consider themselves to be prejudiced in any way by the absence of a section 20 consultation exercise.
14. The Applicant has acted in accordance with the recommendations of its professional advisors in replacing the support pillars.
15. The Applicant engaged with the Respondents on its proposals to undertake the Works.
16. The tribunal finds that there is no relevant prejudice identified by any Respondent, suffered as a consequence of the Applicant proceeding with the Works without first carrying out the section 20 consultation.

17. The Respondents have made no representation as to any condition the tribunal might impose in granting dispensation, and there is no evidence of any cost being incurred by the Respondents that should appropriately be met by the Applicant.
18. In these circumstances, the tribunal considers it reasonable to dispense with consultation requirements unconditionally. Accordingly, the tribunal makes a determination, under section 20ZA of the Act, to dispense with the requirement to consult with the Respondents under section 20 in relation to the Works.
19. 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.

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.