



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

Case References : **MAN/ooCK/LDC/2025/0651**
MAN/ooCK/LDC/2025/0654

Property : **54 Percy Park, Tynemouth, NE30 4JX**

Applicant : **Michael Eblett**

Representative : **Brannen & Partners**

Respondents : **The Residential Long Leaseholders**

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

Tribunal : **Judge John Murray
Aaron Davis MRICS**

Date of Directions : **26th January 2026**

ORDER

This is a formal order of the Tribunal which must be complied with by the parties.

The parties must comply with the Statement on Tribunal Rules and Procedure and the Guidance on PDF bundles which are enclosed with these directions (if not already provided).

1. Two applications were made for dispensation from consultation for major works pursuant to s20ZA Landlord and Tenant Act 1085.
2. Directions were made by the Tribunal on 23rd October 2025 and a case management note on the 26th November by Judge McLean.
3. The applications related to major works to the Property, a terraced house converted into four flats of varying sizes, in Tynemouth. The works were urgent, as they related to fire alarm/electrical works, and roof works.
4. The Agent, Jade Green, acting on behalf of the Applicant landlords Michael Eblett and Clive Rook (who has since passed away) purported to join the Landlords the four leaseholders of the flats at the Property as both Applicants and Respondents. This was resolved by the case management note, that provided for any of the leaseholders who wished to object to the applications must clearly state their intention to do so and the reasons why.
5. One leaseholder who had informed the Tribunal he was unaware of the application wrote to confirm that he did not oppose the applications for dispensation, he was glad the urgent works had been carried out, and he understood that any question about the reasonableness or apportionment of future service charges was separate, and he reserves his right to raise those issues if needed.
6. No other leaseholder responded to the application.

THE LEGISLATION

The relevant legislation is contained in s20ZA Landlord and Tenant Act 1985 which reads as follows:

s20 ZA Consultation requirements: supplementary

(1) Where an application is made to the appropriate 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.

(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 subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

(3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—

(a) if it is an agreement of a description prescribed by the regulations, or
(b) in any circumstances so prescribed.

(4) In section 20 and this section “the consultation requirements” means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

(a) to provide details of proposed works or agreements to tenants or the recognised tenants’ association representing them,

(b) to obtain estimates for proposed works or agreements,

(c) to invite tenants or the recognised tenants’ association to propose the names of persons from whom the landlord should try to obtain other estimates,

(d) to have regard to observations made by tenants or the recognised tenants’ association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—

(a) may make provision generally or only in relation to specific cases, and

(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament

THE APPLICATION

7. The Application for dispensation for electrical works explained that an EICR report carried out on the 8th April July identified that the main circuit board for the building was located within the demised premises of Flat 1. There was need for upgrading works to the circuit board. Furthermore the communal Fire Alarm system was wired into the domestic electrical circuit, which would fail the EICR and needed rectification works. Health and Safety, and the insurance interests of leaseholders would be adversely affected.
8. The Application for dispensation for works to the roof related to the front elevation main roof dormer requiring urgent attention as water was entering a ceiling light fitting. Multiple contractors had been engaged to provide quotations and discussions taken place with all Leaseholders. Work needed to be completed before October 2025 to avoid winter weather conditions.

THE DETERMINATION

9. The Tribunal has jurisdiction to dispense with consultation under Section 20ZA (1) which provides the Tribunal may do so where “*if satisfied that it is reasonable to dispense with the requirements*”.
10. The only issue for the Tribunal to consider under section 20ZA is whether or not it is reasonable to dispense with the consultation requirements. The application does not concern the issue of whether any service charge costs resulting from the contracts are reasonable or indeed payable and it will be open to lessees to challenge any such costs charged by the Applicant under

section 19 of the Act, if, for example they did not believe the Applicant was entitled to charge for utilities under the terms of their occupancy agreement

11. This was confirmed by HHJ Huskinson in the Upper Tribunal who considered the jurisdiction for prospective dispensation under s20ZA in the case of **Auger v Camden LBC [2008]**. The Upper Tribunal confirmed that the Tribunal has broad judgment akin to a discretion in such cases. The dispensation should not however be vague and open ended. The exercise of discretion to grant dispensation requires the clearest of reasons explaining its exercise
12. Dispensation was considered in depth by the Supreme Court in **Daejan v Benson [2013] UKSC14** which concerned a retrospective application for dispensation. Lord Neuberger confirmed that the Tribunal has power to grant a dispensation on such terms as it thinks fit, providing that the terms are appropriate in their nature and effect.
13. At paragraph 56 Lord Neuberger said it was “clear” that a landlord may ask for dispensation in advance for example where works were urgent, or where it only becomes apparent that it was necessary to carry out some works whilst contractors were already on site carrying out other work. In such cases it would be “odd” if the (LVT) could not dispense with the Requirements on terms which required the Landlord, for instance (i) to convene a meeting of the tenants at short notice to explain and discuss the necessary works, or (ii) to comply with stage 1 and/or stage 3, but with (for example 5 days instead of 30 days for the tenant to reply.
14. Lord Neuberger also confirmed that conditions could be imposed as to costs, aside from the Tribunal’s general powers to award costs, (which at that time were limited), drawing a parallel to the Court’s practice to making the payment of costs a condition of relief from forfeiture.
15. The correct approach to prejudice to the tenants is to consider the extent that tenants would “relevantly” suffer if an unconditional dispensation was accorded. The Tribunal needs to construct what might happen if the consultation proceeded as required - for instance whether the works would have cost less, been carried out in a different way or indeed not been carried out at all, if the tenants (after all the payers) had the opportunity to make their points.

16. The Tribunal is satisfied that the works were urgent given the potential for damage to the Property, and risks to health and safety, and insurance cover. The works were carried out expeditiously for the benefit of all leaseholders, and they were kept informed and all appeared to be in agreement the works were necessary.
17. No leaseholders objected to the principle of the works, or the application for dispensation.
18. In all the circumstances, dispensation from consultation is granted.
19. This judgement does not address whether the costs are either payable, under the terms of the lease, or reasonable in terms of amount and quality of works, and any leaseholder who has concerns in any of those respects has a right to apply to the Tribunal pursuant to s27A Landlord and Tenant Act 1985.

Tribunal Judge John Murray
26 January 2026

NOTES

- (d) Whenever you send a letter or email to the Tribunal you must also send a copy to the other parties and note this on the letter or email.**
- (d) A party may apply for another direction amending, suspending or setting aside these directions. Unless made orally during the course of a hearing, any such application must be made in writing and must state the reason for making it.**
- (d) If the Applicants fail to comply with these directions the Tribunal may strike out all or part of their case pursuant to rule 9(3)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the 2013 Rules”).**
- (d) If the Respondents fail to comply with these directions the Tribunal may bar them from taking any further part in all or part of these proceedings and may determine all issues against them pursuant to rules 9(7) and (8) of the 2013 Rules.**