



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

Case Reference	: MAN/ooFB/LDC/2025/0620
Properties	: Raywell House, Ripplingham Road, Raywell HU16 5WG
Applicant	: Raywell House Management Limited
Representative	: Pure Block Management
Respondents	: The Residential Long Leaseholders
Type of Application	: Application for dispensation under s.20ZA of the Landlord and Tenant Act 1985
Tribunal Members	: Mr S Wanderer MRICS Mr H Thomas FRICS
Venue	: Paper determination
Date of Decision	: 12 January 2026

Decision

1. Pursuant to s.20ZA of the Landlord and Tenant Act 1985, the Tribunal grants dispensation from the consultation requirements of s.20 of the Landlord and Tenant Act 1985 in relation to remedial works to the foul sewage pump station serving Raywell House and The Stables, Riplingham Road, Raywell, HU16 5WG.
2. In granting dispensation, the Tribunal makes no determination as to whether any service charge costs are payable or reasonable.

Background

3. This is a retrospective application under s.20ZA of the Landlord and Tenant Act 1985 ("the Act") to dispense with the consultation requirements of s.20 of the Act. These requirements ("the consultation requirements") are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003 ("the Regulations").
4. The application is made in respect of Raywell House, Riplingham Road, Raywell, HU16 5WG ("the Property"). The Property is a residential development comprising 9 long-leasehold apartments in the main building (Raywell House) and 6 apartments in an adjoining building known as The Stables, a total of 15 units occupied by long leaseholders.
5. The Applicant is Raywell House Management Limited, the management company and registered freeholder of the Property.
6. Pure Block Management acts as the managing agent on behalf of the Applicant.
7. The Respondents are the 15 residential long leaseholders of the apartments at the Property.
8. The apartments are subject to long residential leases granted on similar terms for a period of 125 years from 1 July 2007. Each lease includes service charge provisions requiring leaseholders to contribute to the costs of maintaining the main structure, common parts and essential services.
9. The works the Application relates to are "qualifying works" within the meaning of s.20ZA(2) of the Act and, the Tribunal is advised, are works in respect of which each lessee will have to contribute more than £250 by way of service charge. The Tribunal has not had sight of all of the leases.
10. The only issue for the Tribunal to determine in this matter is whether it is reasonable to dispense with the consultation requirements.

11. The Tribunal issued directions on 15 October 2025. It considered that the application could be resolved by way of submission of written evidence. No application for a hearing has been made and the Tribunal therefore convened on 12 January 2026 to consider the application on the papers submitted.

History of the Works

12. The Property has a foul sewage pump station serving all 15 apartments. This critical infrastructure consists of submerged pumps, pipework, float switches, a control panel and electrical isolators located in a pit serving the common sewerage system.

13. By early 2025, the pump station had begun to exhibit signs of significant failure. Two 75mm sewage pumps, which had not been fully serviced or inspected for an extended period, showed signs of deterioration. The contractor engaged to service the pumps had since 2022 only carried out electrical servicing, without attending to the mechanical/plumbing side. This is clearly a serious oversight, although based on the information before the Tribunal, it is not clear where, as between the contractor and the managing agent who instructed them, the fault lies. The extent and urgency of the problems became apparent upon subsequent detailed inspection, the findings of which were advised to leaseholders by a letter from the Applicant dated 28 March 2025.

14. On detailed inspection and investigation, numerous critical defects were discovered, including:

- the pit was found to contain approximately four metres of raw sewage arising from pump failure;
- One pump was no longer working and the second pump had a fault but was not accessible;
- metal support bars within the pit had dislodged, leaving unsupported elements;
- critical pipework was severely corroded and detached;
- the electrical control box was in a dangerous condition, with bare live conductors capable of energising the metal casing; and
- access chains were missing.

15. At the time of the Applicant's letter to leaseholders (28 March 2025), the system had intermittently failed multiple times, with the pit approaching overflow capacity. Only temporary strapping of pipework and manual resetting of the control system had prevented further discharge of raw sewage into the grounds.

16. The Applicant emphasises that without an immediately functioning system, the 15 apartments would lack basic sanitation facilities and would become effectively uninhabitable. The risk of uncontrolled environmental discharge of raw effluent into the grounds, and the potential for backflow into individual apartments, posed serious health and environmental hazards.
17. An urgent quotation was sought for the remedial works. This came to £9,570 plus VAT.
18. The possibility of a second quote is also mentioned in the Applicant's letter of 28 March 2025, but as this was from the contractor who had failed to properly service the system in the first place, there was an understandable reluctance to engage with the same company.
19. The Applicant in the same letter to leaseholders indicated its intention to appoint a contractor the following week. The Tribunal surmises that the work has since been undertaken.
20. The Applicant advised leaseholders that just over £10,000 was held in the estate sinking fund, and would be used to cover most of the repair costs, thereby avoiding the need to demand immediate payment from leaseholders while the works proceeded.

Grounds for the Application

25. An application for dispensation under s.20ZA was lodged with the Tribunal on 2 April 2025, citing the urgency of the works and insufficient time available to complete formal s.20 consultation before a further, possibly permanent, failure of the system rendered the apartments uninhabitable.
26. Reference was also made in the application to the health, safety and environmental risk posed by the existing faulty system, even in the event of further issues with the system short of total failure.
26. Leaseholders were informed of the situation, the works required and the Applicant's intention to apply for dispensation by the Applicant's letter dated 28 March 2025.
27. A letter was sent to all leaseholders on 21 October 2024 advising of the Dispensation Application and the reasons for the application.
28. In accordance with the Tribunal's Directions dated 15 October 2025, the Respondent leaseholders were all provided with copies of the Applicant's Bundle and have had the opportunity to make submissions in response to the Application.

Response to the Application

29. The Tribunal has received no responses or objections to the application from any of the Respondents.

The Law

30. Section 18 of the Act defines what is meant by "service charge" and defines the expression "relevant costs" as "the costs or estimated costs incurred or to be incurred by or on behalf of the landlord, or a superior landlord, in connection with the matters for which the service charge is payable".
31. Section 19 of the Act limits the amount of any relevant costs which may be included in a service charge to costs which are reasonably incurred, and s.20(1) provides that where this section applies to any qualifying works, the relevant contributions of tenants are limited unless the consultation requirements have been either (a) complied with in relation to the works or (b) dispensed with in relation to the works by the appropriate tribunal.
32. "Qualifying works" for this purpose are works on a building or any other premises (s.20ZA(2) of the Act), and s.20 applies to qualifying works if relevant costs incurred in carrying out the works exceed an amount which results in the relevant contribution of any tenant being more than £250.00 (s.20(3) of the Act and regulation 6 of the Regulations).
33. Section 20ZA(1) of the Act provides: "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 ... the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements".
34. The consultation requirements can be summarised in brief as requiring a landlord to give written notice of its intention to carry out qualifying works, inviting leaseholders to make observations and to nominate contractors; obtain estimates and supply leaseholders with statements and summaries; make estimates available for inspection and invite observations; and give written notice within 21 days of entering into a contract explaining why the contract was awarded if not to the lowest bidder.

Reasons for the Decision

35. The Tribunal must decide whether it was reasonable for the works to proceed without the Applicant first complying in full with the s.20 consultation requirements. These requirements ensure that tenants are provided with the opportunity to know about the works, why the works are required, and the estimated cost, and to provide observations and nominations for contractors.

36. The Tribunal has had regard to the principles laid down in *Daejan Investments Ltd v Benson* [2013] 1 WLR 854 upon which its jurisdiction is to be exercised.

37. The consultation requirements are intended to ensure a degree of transparency and accountability when a landlord decides to undertake qualifying works. It is reasonable that the consultation requirements should be complied with unless there are good reasons for dispensing with them on the facts of a particular case.

38. For the Tribunal to decide whether it was reasonable to dispense with the consultation requirements, there needs to be a good reason why the works should and could not be delayed. In considering this, the Tribunal must consider the prejudice caused to tenants by not undertaking the full consultation while balancing this against the risks posed to tenants by not taking swift remedial action.

39. In the present case, the Tribunal finds the following factors to be particularly significant:

- (i) There was a serious and immediate health, safety and environmental risk in delaying repairs to the system, with the potential for untreated sewage to be released into the grounds of the property or backflowing into individual apartments.
- (ii) The defects in question were not merely theoretical; there had already been multiple system failures, remedied only by what were clearly only temporary and ad-hoc measures.
- (iii) The Applicant kept leaseholders informed in writing of the situation and the works required. No objections have been received from any of the 15 leaseholders.

40. The Tribunal acknowledges that the Applicant (or its managing agents) could arguably have managed the instruction to the previous servicing contractor more effectively. Had they done so, it is possible that the need for emergency repairs may have been averted. As at the date of this Application, however, the urgency of undertaking the repair works was in the Tribunal's judgment overwhelming.

41. The proper test for prejudice in dispensation applications was established in *Daejan*. In this case, there is no evidence that leaseholders have suffered any relevant prejudice. Even setting aside the health, safety and environmental implications, had the Applicant delayed the works to complete the consultation process, leaseholders would potentially have incurred significantly higher costs in remedying property damage following a serious escape or backflow of effluent.

42. The Tribunal emphasises that it has solely determined the question of whether or not it is reasonable to grant dispensation from the consultation requirements. This decision should not be taken as an indication that the

Tribunal considers that the amount of the service charges resulting from the works is likely to be recoverable or reasonable; or, indeed, that such charges will be payable by the Respondents. The Tribunal makes no findings in that regard and, should they desire to do so, the parties retain the right to make an application to the Tribunal under s.27A of the Landlord and Tenant Act 1985 as to the reasonableness and payability of the costs incurred, as a service charge.

S Wanderer (Chairman)

12 January 2026

RIGHTS OF APPEAL

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).