



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

Case Reference : **HAV/ooHQ/LDC/2025/0663**

Property : **Amersham Court, 30 Marlborough Road, Bournemouth, BH4 8DH**

Applicant : **Amersham Court Freehold Limited**

Respondent : **The Leaseholders at Amersham Court**

Type of Application : **Application to dispense with the consultation requirements provided for by Section 20 of the Landlord and Tenant Act 1985, pursuant to Section 20ZA as amended.**

Tribunal : **Judge T Hingston
N. Robinson FRICS
T. Wong**

Date of Decision : **18th July 2025**

DECISION

The Tribunal determines that it is reasonable to grant dispensation from the consultation requirements of Section 20 of the Landlord and Tenant Act 1985 in this instance.

BACKGROUND

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed by Section 20 of the 1985 Act. The application was received on 2 June 2025.

2. The Property is described as follows: -

'Amersham Court was built in the early 1970s. It comprises twelve flats on three floors with no lift. The six end flats have two bedrooms and the six flats in the middle have three bedrooms. There are two front doors each to six flats (twelve flats in total) and there are twelve garages in the gardens (one per flat). The eight first and second floor flats each have a balcony (constructed in pairs)], the four ground floor flats have a terrace.

Almost all of the 8 suspended balconies have leaked at some point over the years, often on more than one occasion.

Two separate surveys have been carried out on the balconies highlighting problems that need addressing.'

3. Following the outcome of a previous tribunal which determined that the waterproofing of the balconies was the landlord's responsibility, investigations were undertaken into appropriate waterproofing.

4. The landlords decided that, due to the balconies being constructed in pairs and problems being experienced with a number of them, bearing in mind the economies of scale and fears over rising costs if they held off, and desiring to put the issue of the balconies 'to bed' once and for all, they would undertake the work on all 8 suspended balconies at the same time.

5. A section 20 process was started - notice 1 (notice of intention to carry out works) was issued on 3rd November 2024, and notice 2 (notice of estimates) was issued on 10th December 2024, with two suppliers (who had been suggested by residents).

6. After the second notice was issued, one of the suppliers was ruled out, as their proposed method did not appear to be the best solution for waterproofing.

7. Then, at the end of the consultation period, negotiations were entered into with the second supplier, in the hope of a contract and speedy start date. Unfortunately when negotiations started the supplier increased the price significantly, and there was a loss of faith in them.

8. Further enquiries were made and another system (Triflex) was proposed, with a number of potential new suppliers.

9. Quotations were sought and one of these suppliers came back with a significantly cheaper offer. They were also able to start the work fairly quickly.

10. The Directors subsequently took advice from a solicitor at the Leasehold Advisory Service, who advised that if they engaged a new contractor the current section 20 process would be technically non-compliant. They were told that they could either redo the process or apply to the Tribunal for dispensation.

11. Accordingly, in the interests of expediting the works, the Section 20ZA Application was made on the 2nd of June 2025

ISSUE FOR DETERMINATION

12. The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. This application is not about the proposed costs of the works and whether they are recoverable from the leaseholders as service charges, or the possible application or effect of the Building Safety Act 2022. The leaseholders have the right to make a separate application to the Tribunal under section 27A of the Landlord and Tenant Act 1985 to determine the reasonableness of the costs and the contribution payable through the service charges.

RELEVANT LAW

13. Where Section 20 of the Landlord and Tenant Act 1985 applies (i.e. where the cost of works exceeds £250 per residential unit) the 'relevant costs' of tenants for the purpose of liability for service charges in respect of such works are limited to the same amount - £250 per unit - unless the consultation requirements have been *either* -

- (a) complied with, or
- (b) dispensed with by the appropriate Tribunal.

14. The consultation requirements include regulations requiring the landlord to :-

- (a) provide details of the proposed works to tenants
- (b) obtain a number of estimates
- (c) invite tenants to propose persons or contractors from whom estimates should be obtained
- (d) have regard to observations made by tenants, and
- (e) give reasons for carrying out works or for engaging particular contractors in certain circumstances.

15. Under Section 20ZA of the 1985 Act (as above) an Application can be made to the 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 do so.

DETERMINATION

16. In this case the Tribunal finds that the landlords have acted responsibly and in good faith in following the correct consultation process before works were undertaken. Tenants were fully involved and they nominated contractors to be approached for estimates.

17. However, due to circumstances beyond the landlord's control, the process unfortunately broke down and other contractors had to be engaged.

18. The tenants had been consulted already (as above) and there had been no objections to the proposed works, so there was agreement in principle that those works should go ahead.

19. As the evidence is that the new contractor is carrying out the works at a lower price, the Tribunal finds that there is no prejudice or loss to the tenants if the requirement for fresh consultation under Section 20 is not complied with.

20. Accordingly, the Tribunal is satisfied that it is reasonable to dispense with the consultation requirements in these particular circumstances.

Right to Appeal

1. A person wishing to appeal this decision to the Upper Chamber must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which 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. Where possible you should send your further application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal to deal with it more efficiently.

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.

