



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

**Case Reference** : HAV/00ML/LDC/2025/0767

**Property** : Mornington Mansions, New Church Road,  
Hove, BN3 4JS

**Applicant** : Mornington Mansions RTM Ltd

**Representative** : Property Fusion

**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** : Judge R Cooper

**Hearing Centre** : Paper determination

**Date of Decision** : 13 January 2026

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**DECISION**

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**Summary**

**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 27 November 2025 the Tribunal received an application from Property Fusion on behalf of Mornington Mansions RTM Limited ('the Applicant'). Property Fusion are the managing agents for the Applicant. The respondents to the application are the leaseholders whose details are provided in the Appendix to this application ('the Respondents').
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 replace the lead cavity tray above the window of Flat 2, one of the 15 flats at Mornington Mansions, New Church Road, Hove, BN3 4JS ('the Property'). The Property is described as an Art Deco purpose-built block of flats comprising 15 flats with three entrances.
3. The Applicant seeks dispensation on the grounds that the works were urgently required as scaffolding was already in situ, the damp needed to be resolved, and the building made watertight as there was currently a hole in the wall caused in carrying out investigations as to the cause of the damp.
4. Directions were given by a legal officer on 8 December 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.

### **Consideration**

5. The Tribunal considered the application, responses to the application, directions and the lease for Flat 15.
6. 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**

7. Having considered the application and the limited evidence in support, 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 following reasons.

8. 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 in due course be partly liable to pay through the service charge.
9. 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 that 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.
10. The Applicant says that works were required to replace the lead cavity tray above the window of Flat 2 now the rubble had been cleared.
11. The Applicant says the works were urgently required for three reasons. Firstly, to avoid unnecessary costs of erecting scaffolding for a second time. Scaffolding had been erected for a period of 6 weeks in order to investigate the cause of the damp in Flat 2 and would be in situ until 9 December 2025. Secondly, to remedy the damp in Flat 2, and thirdly to make the building watertight. There was currently a hole in the wall which could not be closed until the works were completed.
12. The works that were being carried out at the time of the application were estimated to be £7,657.10 for the works (including contingencies of £1,433), £390 including VAT for the Building Control fee together with Property Fusion's 5% fee plus VAT.
13. On 4 December 2025 the Applicant confirmed that 9 of the 15 leaseholders had agreed the application for dispensation. No objections to the application were received by the Tribunal by the 2 January 2026. On 17 January 2026 the Applicant sent email confirmation that no objections had been received.
14. There is no evidence before the Tribunal that suggests the Respondents would be prejudiced by a failure of the Applicant to consult.
15. The Tribunal considers that delaying the works in order to comply with the consultation requirements would increase the potential costs. Scaffolding would need to be erected for a second time. In addition, the property would remain open to the elements given the hole in the wall necessitated by the investigations carried out, which would not be closed until the work to replace the lead cavity tray was completed. This would

result in a risk of further water ingress. The works were limited in scope and were being carried out to resolve the damp problem in Flat 2.

16. In all the circumstances the Tribunal was satisfied it was reasonable to grant dispensation under s20ZA of the 1985.
17. The Tribunal considered whether to impose conditions on that grant of dispensation, but decided it was not appropriate given the limited nature of the proposed works.

### **Decision**

18. The Tribunal 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.
19. Although the Tribunal has granted dispensation, the parties should note that in doing so it has made no determination as to either
  - the reasonableness of the works that have been carried out,
  - the reasonableness of the costs of those works or
  - whether the costs are payable by the Respondents though the service charges.

Those are all matters which the Tribunal may consider, but a separate application would need to be made 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](mailto: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**

### **Respondents to the application**

Flat 1 - Mrs A M King (Deceased)

Flat 2 – Melaine & Michael Paulding

Flat 3 - Fiona Woods

Flat 4 - Mr Gardner & Mrs Gordon-Gardner

Flat 5 - John Holden & Sally McGrath

Flat 6 - Christopher Holt

Flat 7 - David Harrison

Flat 8 - Mr J Gallagher & Ms M Franks

Flat 9 and 11 - Tomley Properties Ltd

Flat 10 - Martyn Webb

Flat 12 - Christopher Garner & Monique Beatty

Flat 14 - Alice Erskine & Jamie Hall

Flat 15 - Lauren & James Burlinson

Flat 16 - Ms Ingrid Pascoe