



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

**Case reference** : HAV/00HB/LDC/2025/0713

**Property** : Flats 4-6 Victoria Street, Bristol, BS1 6BN

**Applicant** : Victoria Street Management **Company** (Bristol) Limited

**Representative** : DNA Property Services Limited

**Respondent** : The Leaseholders

**Representative** : None

**Type of application** : To dispense with the requirements to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985.

**Tribunal members** : R Waterhouse FRICS, N Robinson FRICS and T Wong.

**Venue** : Havant Justice Centre, Elmleigh Road, Havant, Portsmouth.

**Date of decision** : 31 December 2025 **Amended 5 February 2026**

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**DECISION**

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**By Case Management application of 20 January 2026 DNA Management Ltd applied to change the name of the Applicant in line with the condition below. The tribunal orders the amendment and the condition is satisfied.**

**Summary of the Decision**

1. The Applicant is granted dispensation **SUBJECT TO ONE CONDITION**, under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation

requirements imposed on the landlord by Section 20 of the 1985 Act. The dispensation is in respect of major works, being to the roof of the Property which was not watertight resulting in several flats being subject to water ingress, the initial anticipated works and those subsequently discovered to be required when the works were commenced. The Tribunal has made no determination on whether the costs of the works are reasonable, or service charges are payable at all or in any given sum. **THE CONDITION is that an Order Form 1 be completed that requests the amendment of the name of the landlord in the application and the authority to act to that of “Victoria Street Management Company (Bristol) Ltd”, as shown on the land registry copy from that stated on the application and authority to act as being “Victoria Street Management (Bristol) Ltd”. The Applicant to have 28 days to do so and any Respondents who wish to challenge this should do so to the Tribunal copied to the Applicant within 28 days also. Failure to do so will result in the application being struck out.**

### **The application and the history of the case**

2. The Applicant applied by an application dated 2 September 2025 for dispensation under Section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) from the consultation requirements imposed by Section 20 of the Act in respect of major works to the roof of the Property.

3. The Tribunal provided Directions dated 8 September 2025.

4. The Tribunal noted that it did not receive an authority from the Applicant for the representative to act on their behalf.

5. Paragraph 13 of the Directions stated;

Immediately on receipt of these Directions the Applicant shall send them including the Statement of Rules and Procedures and Guidance on pdf bundles together with a copy of the application (if not already sent) to each Respondent and shall by 12 September 2025 confirm to the Tribunal that this has been done. **IF THE APPLICANT FAILS TO INFORM THE TRIBUNAL BY THE SAID DATE THE APPLICATION WILL BE STRUCK OUT WITHOUT FURTHER NOTICE.**

6. The Tribunal had not received by 17 October 2025 confirmation that a copy of the Directions and accompanying documentation has been served upon each of the Respondents. The Tribunal on 17 October 2025, struck out the application in accordance with Rule 9(1) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 on the grounds that as confirmation of service of the directions and other documentation had not been provided, the Applicant has failed to comply with a direction, that stated that failure by the Applicant to comply with the direction by a stated date would lead to the striking out of the proceedings.

7. By an email dated 22 October 2025, the Applicant has applied for permission to appeal the Decision which will be treated as a request for reinstatement of

the application in accordance with Rule 9 (5) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. The Tribunal considered the overriding objective ; Rule 3 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2023 and although the Directions were not complied with, it was at the very early stages of the proceedings and if this application was not reinstated , a fresh application could just be made by the Applicant. The application was reinstated, and new directions issued.

## **The Law**

8. Section 20 of the Landlord and Tenant Act 1985 (“the Act”) and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum unless the required consultations have been undertaken or the requirement has been dispensed with by the Tribunal. An application may be made retrospectively.

9. Section 20ZA provides that on an application to dispense with any or all of the consultation requirements, the Tribunal may make a determination granting such dispensation “if satisfied that it is reasonable to dispense with the requirements”.

10. The appropriate approach to be taken by the Tribunal in the exercise of its discretion was considered by the Supreme Court in the case of *Daejan Investment Limited v Benson et al* [2013] UKSC 14.

11. The leading judgment of Lord Neuberger explained that a Tribunal should focus on the question of whether the lessee will be or had been prejudiced in either paying where that was not appropriate or in paying more than appropriate because the failure of the lessor to comply with the regulations. The requirements were held to give practical effect to those two objectives and were “a means to an end, not an end in themselves”.

12. The factual burden of demonstrating prejudice falls on the lessee. The lessee must identify what would have been said if able to engage in a consultation process. If the lessee advances a credible case for having been prejudiced, the lessor must rebut it. The Tribunal should be sympathetic to the lessee(s).

13. Where the extent, quality and cost of the works were in no way affected by the lessor’s failure to comply, Lord Neuberger said as follows: “I find it hard to see why the dispensation should not be granted (at least in the absence of some very good reason): in such a case the tenants would be in precisely the position that the legislation intended them to be- i.e. as if the requirements had been complied with.”

14. The “main, indeed normally, the sole question”, as described by Lord Neuberger, for the Tribunal to determine is therefore whether, or not, the lessee will be or has been caused relevant prejudice by a failure of the Applicant to undertake the consultation prior to the major works and so whether dispensation in respect of that should be granted.

15. The question is one of the reasonableness of dispensing with the process of consultation provided for in the Act, not one of the reasonableness of the charges of works arising or which have arisen.

16. If dispensation is granted, that may be on terms. That is to say that dispensation is granted but only if the landlord accepts- and fulfils appropriate conditions. Specific reference was made to costs incurred by the lessees, including legal advice about the application made.

17. There have been subsequent decisions of the higher courts and Tribunals of assistance in the application of the decision in Daejan but none are relied upon or therefore require specific mention in this Decision.

18. More generally, the Tribunal considers that the case authorities demonstrate that the Tribunal has a very wide discretion to, if it considers it appropriate, impose whatever terms and conditions are required to meet the justice of the particular case- in Daejan it was said “on such terms as it thinks fit- provided, of course, that any such terms are appropriate in their nature and their effect”.

### **Consideration**

19. The property is said to comprise a converted block consisting of 12 apartments and one commercial unit.

20. The Applicant, DNA Property Management Services, is the managing agent, and in this context the representative to the landlord. The application form dated 2 September 2025 notes the landlord as being Victoria Street Management (Bristol) Limited. The authority to act notes the landlord also as being **Victoria Street Management (Bristol) Ltd**. The property appears to be owned by **Victoria Street Management Company (Bristol) Ltd**, as shown on the lease. As a consequence, the authority to act of the agent DNA Property Management Services may be defective. The Tribunal has proceeded on the basis this an error in the completion of the application form and authority to act. The Tribunal requires within 28 days of the decision for rectification of the Application Form by completion and submission to the Tribunal of Order Form 1, also copied to the Respondents. Additionally, should any Respondents object to this request for rectification they should make submissions to that effect to the Tribunal within the 28 days of the decision. This decision is subject to the satisfactory rectification of the authority to act details.

21. The reason for the request for dispensation from consultation requirements was said to be that the works to the roof were required because there was water ingress into several flats causing damage and so the issues were urgent.

22. Specifically, the Applicant explained in the application that, the application is urgent because the building’s roof is currently not watertight and that several flats had experienced water ingress and worsening damp and mould, which was said to present immediate health and safety concerns for residents. The application noted that temporary coverings have been installed but are not

sufficient as a long-term solution, particularly with wet weather expected. Delays in completing the works risked it was said, further deterioration of the building fabric, increased repair costs, and potential damage to leaseholder's homes and belongings. The works also include the provision of scaffolding. Within the Applicants statement of case, it was noted that section 20 consultation had been undertaken but only to the extent of the envisaged works pre commencement. These works were estimated to have a cost of around £66,000. Once works were underway additional damage was identified that required a further £31,692 in cost.

24.The Lease of “part 4-6 Victoria Street” has been provided (“the Lease”). The Tribunal understands that the leases of the other properties are in the same or substantively the same terms and certainly the Applicant’s statement of case so asserts and without that being contradicted. In the absence of any indication that the terms of any other of the leases differ in any material manner, the Tribunal has considered the Lease.

25.The Tribunal was supplied with a sample lease which contained various obligations under the Lease, principally set out in the Schedule 2, to pay service charge to the landlord including for maintaining the building.

26.The works appear, on the facts provided and without detailed consideration, to fall within the responsibility of the Applicant and may be chargeable as service charges.

27. There has been no response from any of the Lessees in response to the Directions.

28.None of the Lessees have therefore asserted that any prejudice has been caused to them. The Tribunal finds that nothing different would be done or achieved in the event of a full consultation with the Lessees, except for the potential delay and potential problems.

29.The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.

30.The Tribunal consequently finds that it is reasonable to dispense with all of the formal consultation requirements in respect of the major works to the building.

31. This decision is confined to determination of the issue of dispensation from the consultation requirements in respect of the major works outlined above. The Tribunal has made no determination on whether the costs incurred are reasonable and whether service charges are payable in any given sum or at all. If a Lessee wishes to challenge the reasonableness of those costs and/ or the payable service charges, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

## **RIGHTS OF APPEAL**

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 which has been dealing with the case by email at [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk)
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.
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.