



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

Case reference : **HAV/21UF/LDC/2026/0014**

Property : **Alverstoke Court, 21 Church Road,
Alverstoke, Hampshire, PO12 2LX**

Applicant : **Retirement Lease Housing Association**

Representative :

Respondent : **The Leaseholders**

Representative : **N/A**

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

Tribunal members : **Judge D Cowan**

**Date of
determination** : **6th March 2026**

DECISION

Decision of the tribunal

The Tribunal determines to exercise its discretion to dispense with the consultation requirements contained in Schedule 4 to the Service Charges (Consultation Requirements) (England) Regulations 2003.

The application

1. On 23rd January 2026, Ms Elizabeth Walkenshaw, the landlord and managing agent on behalf of the Applicant, issued an application for dispensation from the statutory consultation requirements in respect of remedial works as a result of compartmentalisation risks in the property.
2. The property is a purpose built block independent living estate, built in the 1980s, comprising of 19 Leaseholder properties and one property owned by the Landlord.

The Determination

3. Directions in this application were made on 2nd February 2026. The directions indicated that the matter would be determined on the papers without a hearing based on written representations received. The directions also provided that any party may make a request to the tribunal that a hearing be held. No such request was made and therefore this determination is made based on the written representations received.
4. The Directions provided that the Respondents shall complete and return the reply form to the Tribunal and the Applicant by 16th February 2026. In the event that the form was not returned by any of the Respondents, the Directions further provided that the Tribunal would assume that they do not wish to receive any further communications from the Tribunal including a copy of the determination unless a specific request is made. The determination will, however, be binding on all leaseholders.
5. On 20th February 2026, Ms Walkenshaw notified the Tribunal that the Applicant had received no objections to the application submitted.

The Evidence

6. The Applicant seeks dispensation from the consultation requirements under section 20ZA of the Landlord and Tenant Act 1985 for the following reasons:
 - (i) Occupation of units in the property is restricted to single persons above 60 years old, or joint residents who are not less than 60 years old except one who is not less than 55 years old: lease, 3rd Sch, Part II, para 1.
 - (ii) On 19th January 2026, Black Sheep Fire and Electrical completed a full Fire Compartmentation Report in respect of the building (“the report”).

- (iii) The report's recommended action in relation to the property found multiple issues relating to fire compartmentation, which require sealing gaps and holes causing penetration; sealing rafters; replacing some existing fire doors which are not fire rated; replacing pink foam which does not meet regulatory requirements; remediating cable penetration through ceilings. Further investigation is required in the first floor next to flats 18 and 19.
- (iv) On 20th January 2026, Black Sheep Fire and Electrical provided a quotation respect of required works for £5520 + VAT, with further costs to the lofts in seven other properties at a cost of £1260 +VAT per loft.

- 7. As a result of the report, the existing stay put policy had to change to full evacuation.
- 8. From 22nd January 2026, the Applicant has put in place a waking watch scheme, which is said to have cost £12,432 inclusive of VAT. On 21st January 2026, FXTIVE Solutions provided a quotation in respect of a 12 hour waking watch at the property at a rate of £880 inclusive of VAT.
- 9. The Applicant states that compartmentalisation works were instructed to start on 27th January 2026 at a cost of £14,320 + VAT.

The Law

- 10. The Tribunal is being asked to exercise its discretion under s.20ZA of the Act. The wording of s.20ZA is significant. Subs (1) provides

‘Where an application is made to a leasehold valuation tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreements, the tribunal may make the determination **if satisfied that it is reasonable to dispense with the requirements**’ (emphasis added).

The tribunal's decision

- 11. The tribunal determines to grant the application.

Reasons for the tribunal's decision

- 12. The Supreme Court decision of *Daejan Investments Limited v Benson* [2013] UKSC 14 sets out the principles upon which the Tribunal should

exercise its discretion to dispense with the consultation requirements. It made clear that the correct approach of the Tribunal is to consider whether any prejudice to the leaseholders in terms of inappropriate works being carried out or paying more than would be appropriate for the works. Only if relevant prejudice will be suffered by leaseholders should applications be refused. Relevant prejudice means financial prejudice.

13. The tribunal determines that the works are urgent and necessary. Failure to carry out the works will result in a risk of loss of life and loss of property, in property in which older persons reside.
14. The works are appropriate because they are being carried out in compliance with a legally required fire risk assessment.
15. The Respondents have not submitted a Reply form. Therefore there is no evidence of any relevant prejudice to the leaseholders.
16. All parties should note that this determination does not concern the issue of whether any service charge costs will be reasonable or indeed payable.

Name: Judge D Cowan

Date: 6th March 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).

