



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

Case Reference : HAV/00HH/LDC/2026/0009

Property : Meadwood, St Marks Road, Torquay, Devon,
TQ1 2EH

Applicant : Meadwood Limited

Representative : Mr Ian Harvey (Director) (Leaseholder of
Apartment 12A)

Respondents : The Leaseholders

Representative : None

Type of Application : To dispense with the requirement to consult
lessees about major works section 20ZA of the
Landlord and Tenant Act 1985

Tribunal Members : Mr M E Williams FRICS

Date of Decision : 10 March 2026

DECISION

The Decision

- 1. The Tribunal grants the application for dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the following works:**

‘Provide scaffold/span tower to effect repairs recommended in the Croft report:

Remove the panel of brickwork between the soldier course of bricks at second floor level and the window head (outside Flat 12); Fit a traditional retrofit cavity tray or elastomeric felt or similar along the full width of the window plus at least 300mm each side; Reinststate the brickwork, excluding the airbricks and rake out and repoint the brickwork around the window that has cracked or is eroding; Remove and replace the damaged internal plasterboard at the head of the window.’

- 2. The dispensation is granted subject to the condition that the Applicant serves upon the Respondent a copy of this decision.**
- 3. This dispensation does not affect the Tribunal’s jurisdiction upon any future application from the leaseholders to make a determination under section 27A of the 1985 Act, in respect of the reasonableness and/or cost(s) associated with the qualifying works.**

Background and the Application

- 4. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) for dispensation from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of works to remove the panel of brickwork between the soldier course of bricks at second floor level and the window head (outside Flat 12); Fit a traditional retrofit cavity tray or elastomeric felt or similar along the full width of the window plus at least 300mm each side; Reinststate the brickwork, excluding the airbricks and rake out and repoint the brickwork around the window that has cracked or is eroding; Remove and replace the damaged internal plasterboard at the head of the window.**
- 5. The application is dated 18 January 2026.**
- 6. The property is described as ‘a development of 13 self-contained 2/3 bedroom apartments constructed in two blocks of ¾ storey construction. The buildings are cavity wall construction having a concrete structural frame. The block were [sic] built in the mid 1970’s.**

All leaseholders are also shareholders of the Residential Property Company – Meadwood Limited.’

7. The Applicant describes the qualifying works as:

‘Provide scaffold/span tower to effect repairs recommended in the Croft report (see attached):

Remove the panel of brickwork between the soldier course of bricks at second floor level and the window head (outside Flat 12); Fit a traditional retrofit cavity tray or elastomeric felt or similar along the full width of the window plus at least 300mm each side; Reinstate the brickwork, excluding the airbricks and rake out and repoint the brickwork around the window that has cracked or is eroding; Remove and replace the damaged internal plasterboard at the head of the window.’

And further, regarding any consultation:

‘All leaseholders/shareholders of Meadwood Limited are aware there is a potential for Section 20 qualifying works relating to this project depending on the cost of the works and will be consulted prior to work commencement.’

8. The Applicant states the dispensation is sought for the following reasons:

‘Meadwood Limited have stepped in to directly resolve the ongoing leak issue affecting No 12 Meadwood. The managing agents - Devon Block Management are not performing following the departure of key staff. The residents of No 12 - Mr & Mrs Clarke have complained that the leak is causing excessive water ingress, resulting in black mould growth, ongoing damp and escalating damage to the bedroom, posing a serious health risk to their young daughter. A report undertaken by Croft Surveyors has identified the cause of the problem and five companies have subsequently been directly approached to tender for the works and we are awaiting tender responses’

9. The application is said to be urgent as:

‘The residents of No 12 – Mr & Mrs Clarke have complained that the leak is causing excessive water ingress, resulting in black mould growth, ongoing damp and escalating damage to the bedroom, posing a serious health risk to their young daughter, exacerbated by the current wintry conditions.’

10. The Tribunal gave Directions (‘the Directions’) on 27 January 2026 listing the steps to be taken by the parties in preparation for the determination of the application.

11. The Directions stated the Tribunal would determine the application on the papers without a hearing in accordance with Rule 31 of the Tribunal Procedure Rules 2013 unless a party objected in writing to the Tribunal within 7 days of the receipt of these Directions.
12. **The only issue for the Tribunal is whether or not it is reasonable for the Applicant to have dispensed with the statutory consultation requirements. This application is neither about the costs of the works carried out to date, nor is it about the costs of the proposed works and whether they are recoverable from the leaseholders as services charges, nor 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 1985 Act to determine the reasonableness of the costs, and their respective contributions payable through the service charge provisions in their leases.**

The Law

13. Section 20 of the 1985 Act and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease per 12 month period, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum per annum unless the required consultation processes have been undertaken or the requirement has been dispensed with by the Tribunal. An application to the Tribunal may be made retrospectively.
14. The relevant section of the 1985 Act reads as follows:

S.20 ZA (1) Consultation requirements: supplementary
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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.
15. In *Daejan Investments Limited v Benson and Others* [2013] UKSC 14, the Supreme Court set out certain principles relevant to section 20ZA. Lord Neuberger, having clarified that the purpose of sections 19 to 20ZA of the 1985 Act was to ensure that tenants are protected from paying for inappropriate works and paying more than would be appropriate, went on to state “*it seems to me that the issue on which the [tribunal] should focus when entertaining an application by a landlord under section 20ZA(1) must be the extent, if any, to which the tenants were prejudiced in either respect by the failure of the landlord to comply with the requirements*”.
16. Furthermore, and following *Daejan v Benson*, the Tribunal has power to grant dispensation on terms.

Consideration and Decision

17. The Tribunal first considered whether it felt able to decide this application reasonably and fairly based on the papers submitted only, with no oral hearing. Having read and considered the papers and given that the application remained unchallenged the Tribunal decided it could do so.
18. The Directions state, at paragraph 14, 'The application shall stand as the Applicant's case'.
19. In its application, the Applicant states the case is appropriate to be dealt with by way of paper determination.
20. The Directions attached a reply form for the Respondents with a date for it to have been completed and to have been returned by to the Applicant to confirm whether the Respondents: (1) agreed with the application, or not; and (2) similarly agreed the Tribunal may decide the matter on the basis of written representations only (no hearing), or not.
21. The Directions included provisions in the event the Respondents oppose the application.
22. Thereafter the Directions give the date by which the Applicant was to confirm to the Tribunal that no objections have been received from the Respondents, if applicable, being 13 February 2026.
23. No Respondent forms were received the Tribunal. The Applicant also confirmed, by email dated the 11 February 2026, that no objections had been received to the application. The Tribunal therefore assumed that the Respondents had no objections to the application.
24. The lease for flat 9 is provided dated 4 July 1977 for a term of 199 years from 29 September 1975. The lessee covenants, at 3.(b), '[to] pay all rates taxes assessments duties charges impositions and outgoings which may at any time be assessed charged or imposed upon the flat or garage owner...' and at the Fourth Schedule are the costs, expenses, outgoings and matters in respect of which the lessee is to contribute. Clause 4(V) states the flats contributions to be as follows flats 1- 12 – 7.4% each and flat 12A (the penthouse) 11.2%, which broadly corresponds with the that stated in the Applications email of the 12 February 2026.
25. The reasons why dispensation from the consultation requirements of the 1985 Act is sought by the Applicant is due to the immediate requirement for the works to be completed to prevent, further water ingress; damage to the property; and the associated health concerns of the occupiers of No 12.
26. The Applicant sought the advice of Croft Surveyors, whose letter report was kindly provided, who advised on the works that would be required

to remedy the water ingress. The Applicant subsequently approached five contractors for quotes to undertake the works.

27. The Applicant helpfully updated the Tribunal by email on the 12 February 2026 that three quotes had been obtained for the works and they were intending on proceeding with the lowest of the same.
28. For the Tribunal to grant dispensation will allow the works to be completed, prevent any further health risk to the residents, particularly the young child in No 12, prevent further damage to the building, and will enable the funds to be raised formally, and in the normal way, through the service charges' mechanisms in the leases, rather than indirectly from Leaseholders as shareholders of Meadwood Limited.
29. 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.
30. The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.
31. Taking all the above into consideration and Mr Harvey having confirmed that no objections to the application had been received from the respondents, coupled with none of the same having asserted that any prejudice would be caused to them, the Tribunal consequently finds that it is reasonable for the Applicant to have dispensed with the consultation requirements under the 1985 Act relating to works recommend by Croft Surveyors, to remedy the leak causing excessive water ingress at the block, particularly No 12.
32. Thus, the Tribunal grants the application from Meadwood Limited dated 18 January 2026 for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same for the following works:

'Provide scaffold/span tower to effect repairs recommended in the Croft report:

Remove the panel of brickwork between the soldier course of bricks at second floor level and the window head (outside Flat 12); Fit a traditional retrofit cavity tray or elastomeric felt or similar along the full width of the window plus at least 300mm each side; Reinstate the brickwork, excluding the airbricks and rake out and repoint the brickwork around the window that has cracked or is eroding; Remove and replace the damaged internal plasterboard at the head of the window.'

33. The dispensation is granted subject to the condition that the Applicant serves upon the Respondent a copy of this decision.

RIGHTS OF APPEAL

34. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case. All communications must clearly state the Case Number and the address(s) of the premises.
31. 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.
32. If the person wishing to appeal does not comply with the 28 days' 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 days' time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
33. 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.