



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

Case Reference : **MAN/00CZ/LDC/2025/0663**

Property : **Royd Mill, Luke Lane, Thongsbridge,
West Yorkshire, HD9 7RZ**

Applicant : **Abacus Land 4 Limited**

Respondents : **The Residential Long Leaseholders**

Type of Application : **Section 20ZA Landlord & Tenant Act
1985**

Tribunal Members : **Judge S Wickham
Judge A Davies
Mr N Foster (Valuer Member)**

Date : **06 March 2026**

DECISION

DECISION

The Tribunal grants dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 under section 20ZA of that Act in respect of the qualifying works to the lift at the Property.

The Application

1. In their application dated 28 August 2025, the Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the **Act**”) for dispensation from consultation in respect of works to the lift at the Property.
2. The Service Charge (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any leaseholder exceeding £250. If the consultation procedure is not followed, each leaseholder’s contribution to the cost is limited to £250. The cost of the works of the subject application exceeds this threshold.
3. By directions dated 28 November 2025 (“the **Directions**”), the Tribunal directed the Applicant to provide a bundle of documents to the Tribunal consisting of (amongst other documents) i) a full statement of case explaining why the application has been made; ii) any correspondence sent to the leaseholders in relation to the works; iii) detailed reasons for any urgency of the Works and the consequences upon lessees of any delay; and iv) any quotes or estimates for the proposed works and relevant reports (including full details of attempts made by the Applicant to obtain quotes or estimates). The Tribunal also directed the Applicant to send each of the Respondents a copy of the Tribunal bundle.
4. The Directions required any Respondent who opposed the application, to send to the Applicant and the Tribunal, any statement they wish to make in response to the Applicant’s case. The Tribunal has received no such statements or replies from the Respondents.
5. The Directions provided that the Tribunal would decide the matter on the basis of written submissions and without an inspection of the Property unless any party requested a hearing and/or an inspection. No such request has been made.

The Applicant’s case

6. The Property is a building converted into 15 flats in 2006. The Applicant is the current landlord and freehold owner of the Property. The application is made on behalf of the Applicant by its managing agent, Premier Estates Limited.
7. The Respondent’s leases are on similar terms, and one sample has been provided to the Tribunal. The lease requires the “Management Company” (Premier Estates Limited) to “perform the Services”. The Landlord separately covenants to “observe and perform the covenants on the part of the Management Company if the Management Company fails to do so”. The “Services” are the facilities and amenities included in

the First Schedule of the lease, which include an obligation to “maintain and keep in good and substantial repair... the Common Parts...” The “Common Parts” are defined to include the lift at the Property.

8. In its application, the Applicant explained that it became aware of an issue with the lift hydraulic ram seals, oil and value seals, which was causing levelling issues and a strain on the internal lift components. The Applicant explained the ram seals and value seals needed replacing, along with the tank unit replenishing to enable the lift to remain in service for the residents. The Applicant submitted that the works to the lift were urgent to ensure the lift remained operational as it is the only lift in the building for the elderly residents to use. The Applicant’s case is that it had approval of the Chairman of the residents’ association to the works required and informed the Respondents of the works being completed. The Applicant instructed Sheridan Lifts Limited to carry out the lift works. No alternative price was obtained.

The Respondent’s case

9. No Respondents objected to the application.

Determination and Reasons

10. Section 20ZA of the Act provides:

“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.”

11. The whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the Tribunal is satisfied that it is reasonable for them to be dispensed with.
12. The Tribunal has taken account of the Supreme Court decision in *Daejan Investments Limited v Benson and others* [2013] UKSC 14, in which Lord Neuberger, in summary, said that the tribunal should focus on the extent, if any, to which the tenants were prejudiced in either paying for inappropriate works or paying more than would be appropriate as a result of the failure by the landlord to comply with the regulations. He described such prejudice (paragraph 65 of his judgment) as a disadvantage *“which they would not have suffered if the requirements had been fully complied with, but which they will suffer if unconditional dispensation were granted”*. It is for the leaseholders to show that they have been prejudiced, and it *“does not appear onerous to suggest that the tenants have an obligation to identify what they would have said [by way of representations in response to a section 20 consultation], given that their complaint is that they have been deprived of the opportunity to say it”* (at paragraph 69 of the judgement).

13. There is no evidence before the Tribunal that the Respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements in relation to the works to the lift. The Tribunal notes in particular the Applicant's reasons for making the application as detailed at paragraph 8 above, including the need to keep the lift in service. It is also noted that the works were completed more than six months ago, and the Respondents have raised no objections to the application.
14. The Tribunal is therefore satisfied that it is reasonable to grant dispensation with all or any of the consultation requirements set out in section 20 of the Act in respect of the works to the lift undertaken at the Property.
15. This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or the cost of the works.

Name: Judge S Wickham

Date: 10 March 2026

ANNEX – RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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 being within the time limit.
4. 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.