



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

Case Reference	:	HAV/00HG/LDC/2026/0008
Property	:	Seaton Court, 40-42 Mutley Plain, Plymouth, Devon PL4 6LE
Applicant	:	VAS Properties Limited
Applicants’ Representative	:	Plymouth Block Management
Respondents	:	The leaseholders at Seaton Court
Respondents’ 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	:	D W Cotterell FRICS
Venue	:	Papers
Date of Decision	:	26 March 2026

DECISION

DECISION

- 1 The Tribunal determines under section 20ZA of the Landlord and Tenant Act 1985 to dispense retrospectively with all the consultation requirements in respect of damp remediation works comprising:
 - (i) Clean and remove all mould from the walls.
 - (ii) Inspect and repair any rotten battens as required.
 - (iii) Board out affected areas and plaster.
 - (iv) Apply stain-blocking treatment to all affected areas.
 - (v) Repaint with two coats of paint.

REASONS

The application

- 2 The Applicant is the leaseholders' managing agent acting on behalf of the freeholder, VAS Properties Limited, administering the block at Seaton Court, Mutley Plain, Plymouth, PL4 6LE, described as a mixed-use building of "2 commercial units and 6 residential flats".
- 3 The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985, as amended ("the 1985 Act") for the retrospective dispensation of consultation requirements in respect of in respect of certain "qualifying works" (within the meaning of section 20ZA). The works are required remediate a damp ingress problem described in the application as being "*throughout the property*".
- 4 The application affects only the residential leaseholders at the property, as the Tribunal does not have jurisdiction in relation to the commercial premises.

- 5 The respondents are the leaseholders of the flats in the property who are potentially responsible for the cost of the works under the terms of their lease. The required works are described above at 1 (i)-(v). No previous notice under s.20 of the 1985 Act was given to respondent leaseholders; the anticipated cost associated with the works is £289 per flat according to the Applicants.
- 6 By virtue of sections 20 and 20ZA of the 1985 Act, any relevant contributions of the respondents through the service charge towards the costs of these works would be limited to a fixed sum (currently £250) unless the statutory consultation requirements, prescribed by the Service Charges (Consultation etc) (England) Regulations 2003 were: (a) complied with; or (b) dispensed with by the tribunal. In this application the only issue is whether it is reasonable to dispense with the consultation requirements.
- 7 **Any issue as to the reasonableness and/or payability of service charges under the leases relating to the costs incurred/to be incurred, may be the subject of a separate application by the landlord or leaseholders under section 27A of the 1985 Act for a determination by the Tribunal.**

The Relevant Law

- 8 Section 20ZA of the 1985 Act, subsection (1) provides: “*Where an application is made to a 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.*”
- 9 In the case of Daejan Investments v Benson and others [2013] UKSC 14 the Supreme Court set out certain principles relevant to section 20ZA. Lord Neuberger clarified that the purpose of sections 19 to 20ZA of the Act was to ensure that tenants are protected from paying for inappropriate works and paying more than would be appropriate. He 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”.

Paper determination

- 10 The application is dated 19 January 2026. Directions were issued by the Tribunal on 22 January 2026, directing that the application shall be heard on the papers unless objection is made by any party within 7 days of a copy of the directions being received by them.
- 11 The Directions gave the respondents until 30 January 2026 to respond to the Tribunal by completing a reply form and returning it electronically to the Tribunal. At the same time, any leaseholder or tenant in opposition would need to send to the landlord a statement in response to the application with a copy of their reply form and copies of documents relied upon.
- 12 A response was received from the leaseholder of Flat 1 (Ms Palik) by way of a Respondent’s Form (dated 29 January 2026) in which the leaseholder mentions “... *I do not oppose the carrying out of necessary and urgent remediation works to address damp and mould at the property, and I recognise the importance of resolving these issues promptly in the interests of residents’ health and the condition of the building...*” but reserves her position with regard to other rights as leaseholder in relation to service charges resulting from the proposed work. The Tribunal has given consideration to this representation and has determined that it does not amount to an objection for the purpose of this present application.
- 13 No other response or objection has been submitted by the respondents who have taken no active part in this application.

Consideration

- 14 The tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act “if satisfied that it is reasonable to dispense with the requirements”.

- 15 Only brief details of the works is provided; nevertheless, in the absence of any objections or submissions from the respondents, the tribunal has no reason to question the need and urgency of the works given the description of the circumstances of the Improvement Notice.
- 16 As, in the Tribunal's view, none of the respondents have raised objection to the works, the Tribunal finds no evidence that they would suffer prejudice if dispensation were to be granted.

The Tribunal's decision

- 17 In the circumstances set out above, the Tribunal considers it reasonable to dispense with the consultation requirements. Accordingly, dispensation is granted pursuant to section 20ZA of the 1985 Act.
- 18 This decision does not affect the tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act as to the reasonableness of the work and/or whether any service charge costs are reasonable and payable.
- 19 There is no application before the Tribunal for an order under section 20C (limiting the ability of the landlord or RTM company to seek their costs of the dispensation application as part of the service charge). This could be the subject of a future application should any costs be charged to the leaseholders.
- 20 It is the responsibility of the Applicant to serve a copy of this decision on all Respondents.

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 should be made on Form RP PTA available at <https://www.gov.uk/government/publications/form-rp-pta-application-forpermission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber>

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).