



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

Case Reference : **MAN/00FF/LDC/2025/0623**

Property : **1-14 Aldersyde House, Aldersyde,
York, YO24 1QR**

Applicant : **Aldersyde House Management
Company Limited**

Respondents : **The Residential Long Leaseholders**

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

Tribunal Members : **Mr P Barber (Judge)
Mr N Foster (Valuer Member)
Ms M Steer (Judge)**

Date : **05 March 2026**

DECISION

DECISION

1. 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 to qualifying major works to the roof of the Property.

The Application

2. In their application dated 04 April 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 major works relating to roof repairs at the Property following water ingress from the roof into Flat 1. 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 paying more than £250. The cost of the works of the subject application exceeds this threshold.
3. By directions dated 26 November 2025 varied by a further order dated 18 December 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 listed building which was converted into 14 flats in 2006. The Applicant is the management company who covenants with the landlord and separately with the 14 leaseholders of the flats to repair (and maintain in good repair and condition) the roof of the Property subject to the payment of service charges by the leaseholders under the terms of the leases under which the flats are held.
7. In its application, the Applicant explained that in January/February 2025 the leaseholder in Flat 1 reported a leak into the loft space of Flat 1 from the roof. This was subsequently reported at the Applicant’s AGM on 27 March 2025 and the majority in attendance agreed that the works should be carried out to repair the roof. Following the AGM, an initial approach was made through the property insurer to cover the cost of the

works, but they did not accept responsibility. The Applicant therefore obtained three quotes for the roof repair works between January and March 2025 ranging from £8,870.38 to £20,886.00. Following receipt of the quotes the Applicant became aware that the cost of the works would trigger the statutory consultation process. The Applicant states that due to very heavy rainfall in March 2025 the water ingress into Flat 1 worsened. There were concerns that the worsening roof leak would result in a ceiling collapse in Flat 1, resulting in potential risks to occupiers, risks to damaged belongings and increased and possible exacerbated costs to remedy any further damage and/or consequential damage.

8. Due to the worsening leak, the Applicant instructed the company who had provided the lowest priced quote to complete the roof repair works. The works were completed in April/May 2025. This application for dispensation was made on 4 April 2025 prior to the roof repairs completing as it considered the works to be urgent for the reasons detailed at 7 above.

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 and the important question of prejudice when assessing the reasonableness of making such a determination. 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 roof repair works at the Property which concluded in April/May 2025. The Tribunal notes in particular the Applicant's reasons for making the application as detailed at paragraph 7 above and notably that the works were completed more than eight months ago and the Respondents have raised no objections to the application.
13. 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 Landlord and Tenant Act 1985 in respect of the roof repair works undertaken at the Property which concluded in April/May 2025.

14. 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 work.

Name: Judge Steer

Date: 05 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.