



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

Case Reference : MAN/16UF/LDC/2025/0657

Property : Abbotsford House, Wordsworth Street,
Penrith CA11 7QY

Applicant : Abbotsford House (Penrith) Management
Limited

Representative : Rowan Building Management Limited

Respondents : The Residential Long Leaseholders of the
Property

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

Tribunal : Tribunal Judge L Brown
Tribunal Member Mr K Kasambara
Tribunal Member Mrs K Usher

**Date Decision
Issued** : 10th March 2026

DECISION

Dispensation for the Works described in paragraph 4 is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985.

The Application

1. Application dated 3 June 2025 was made by Rowan Building Management Limited, as agent for the Applicant, the freeholder and landlord, of the Property which comprises 20 residential flats.
2. The “Respondent” was erroneously described in the Application as the freeholder. However, in reality, the Respondents are the leaseholders of the residential flats in the Property, as recorded in the Tribunal’s directions dated 10 December 2025.

3. The Applicant seeks dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) in respect of consultation requirements in relation to certain qualifying works, within the meaning of the Act.

4. The qualifying works as described in the Application “....consisted of taking down a wall on the property that had become unsafe due to soil on the other side of it severely damaging the integrity of the structure. This wall ran alongside a set of stone steps that was regularly used by residents, the wall was then taken down, the stairs removed and both the wall and the stairs were then replaced with the addition of a handrail.....The wall had been reinforced to ensure it could take the weight of the soil contained within it.”

5. The only issue is whether it is reasonable to dispense with the statutory consultation requirements.

Paper Determination

6. The Tribunal’s Directions provided, amongst other things, that the Applicant must within 28 days of the date of the directions, send to the Tribunal, with a copy to each Respondent, a bundle of documents consisting of:

- a. the Tribunal application form;
- b. a copy of the directions;
- c. a statement of case explaining why the application had been made;
- d. any correspondence sent to the leaseholders in relation to the works
- e. detailed reasons for the urgency of the works and the consequences upon the leaseholders of any delay
- f. any quotes or estimates for the proposed works and relevant reports; and
- g. copies of any other documents the Applicant sought to rely on in evidence.

7. The directions also provided that any leaseholder who opposed the Application must within 21 days of receipt of the documents referred to in paragraph 6 complete and return the reply form attached to the directions and send it to the applicant and Tribunal together with a statement in response to the Application and any documents and witness statements which they sought to rely on in evidence.

8. No responses from any Respondent was provided to the documents the Applicant proposed to rely upon in support of the Application it provided, and no objections to the Application were submitted to the Tribunal by any Respondent, none of whom have taken any part in the proceedings.

9. The directions provided that the tribunal considered the matter to be one that could be resolved by way of submission of written evidence and stated that, if any party wished to make oral representations, that party should request a hearing.

10. No such request has been made and the Application has been determined by the Tribunal on the papers submitted by the Applicant.

11. The directions expressly state that the Application concerns only whether or not it is reasonable to dispense with the consultation requirements and does not concern the issue of whether any service charge costs resulting from any such works are reasonable or payable and that it will be open to the leaseholders to challenge any such costs charged by the Applicant.

The Law

12. Section 20ZA(1) of the Act provides that:

‘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.’

13. The Supreme Court in the case of *Daejan Investments v Benson and others* [2013] UKSC 14 set out certain principles relevant to section 20ZA. Lord Neuberger, having 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, 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’.

Evidence and Findings of Fact

14. The Tribunal is satisfied that the Application was properly brought and is in proper form, as corrected by the Tribunal regarding the identity of the parties, as recorded in the heading to this decision.

15. The Applicant seeks dispensation from the consultation requirements as the works, which are qualifying works, were required urgently because the safety of residents was at risk. The Applicant set out “...*a border wall, filled with soil that was starting to come down that ran alongside an external staircase that residents regularly used...*”

16. The Tribunal found no challenge to the information provided by the Applicant that the planned initial work to demolish the wall was under the section 20 limit (£250 per leaseholder). It explained “...*however, following the initial step of the wall being taken down it was found that the section of the wall upholding the pavement needed to be re-inforced and could not be safely left without further works. The steps that had been removed led to the pavement i.e. a public highway. To make the area safe the contractor commenced this emergency remediation and rebuilt the steps and the wall that had previously been removed.*”

17. Further information was “*Following the works being carried out the contractor confirmed that the removal of the steps would have been more expensive due to the need to reinforce the wall behind them and the pavement that they led to. By rebuilding it he had carried out emergency required works at a cheaper rate. He further confirmed that the handrail he had included was free of charge so that the final spec was done at a reduced rate. As a direct result of the above, the section 20 process could not be followed and the owners have now received an invoice for the works carried out, they have agreed to pay it as they are happy with the quality of the work.*”

18. The Applicant presented an email from Rowan Property Management dated 16 December 2024 recording that a contractor visited the Property and identified that the external wall was “*...at imminent risk of collapse*”.

19. Quotations for the works were received from:

David Trelfa: (30 September 2024) £5,265.00;

Grassgarth Properties Ltd (11 November 2024) : £16,700, all inclusive;

Dean Adams (30 September 2024): £22,383.60, inclusive of VAT.

It was noted that not all of the estimates covered the entirety of the works, including the more extensive elements discovered as necessary following demolition of the wall.

Grassgarth Properties Ltd was commissioned and the works were undertaken in February 2025.

20. The Tribunal found from the above uncontradicted evidence that the works were urgent for reasons of safety. The works became more extensive once the wall was demolished. We found from the description from the Applicant that the works comprised one collective remedial operation.

21. In the absence of any submissions from any Respondent objecting to the works, or to the Application, or contending that granting the Application would result in prejudice, the Tribunal found no evidence that the Respondents would suffer prejudice in the event that the Application for dispensation from the consultation requirements was granted.

Determination

22. In the circumstances set out above, the Tribunal considers it reasonable to dispense with the consultation requirements. Dispensation is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985.

23. 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 and standard of the work and/or whether any service charge costs are reasonable and payable.

Tribunal Judge L Brown

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).