



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

Case Reference : HAV/00HG/LDC/2025/0737

Property : 125 King Street, Plymouth, Devon, PL1 5JD

Applicant : Plymouth Community Homes

Representative : None.

Respondents : Mr W Brenan – 125B
Mrs L Davis & Mr R P Davis – 125D
Mr G Popa – 125E
Mr J Kerley – 125J
Mr L Malton – 125L
Mr A Rostock – 125M

Representative : None.

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

Tribunal Members : Mr M E Williams FRICS

Date of Decision : 24 April 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:**
 - **Repair and making good of external areas, to include boundary and low-level walls within the courtyards.**
 - **Repair and decorate the exterior walls to the outbuildings and all elevations of the block.**
 - **Repairs concrete window cills and surrounds.**
 - **Replacement of dwelling uPVC windows and balcony doors.**
 - **Replacement of communal windows**
 - **Replacement of rainwater goods (gutters and downpipes), roof line features (fascia boards, soffits and bargeboards & extraction cowls.**
 - **Replace communal entrance doors to include door entry system.**
 - **Refurbishment of existing balconies**
 - **Replacement of block signage**
2. **The dispensation is granted subject to the two following conditions:**
3. **Firstly, the Applicant serves upon the Respondent a copy of this decision.**
4. **Secondly, the Applicant shall place a copy of the this decision on its website (if any) within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link to both on its home page. It should also be posted in a prominent position in the communal areas. In this way, any leaseholder who has not returned the reply form may view the Tribunal’s decision on dispensation and their appeal rights.**
5. **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

6. 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 the works detailed below.

7. The application is dated 15 October 2025.

8. The property is described as:

‘Plymouth Community homes are the Freeholder of block 125 A-M King Street. (block)

The block contains:

1. There are 12 Dwellings.
2. Tenants of Plymouth Community Homes live in 6 of the dwellings.
3. The other 6 dwellings are leasehold properties.
4. 125M King Street (Property) has a long term lease which is dated 25 July 1988’

9. The Applicant provides a description of the qualifying works, which states the following:

‘The work does not currently have a start date; however, it is anticipated that work will begin soon.

The work is to be undertaken by a sub-contractor called Bell Group, with the agreement between Plymouth Community Homes and Bell Group dated 7 October 2025.

The work to be undertaken is as follows:

- Repair and making good of external areas, to include boundary and low-level walls within the courtyards.
- Repair and decorate the exterior walls to the outbuildings and all elevations of the block.
- Repairs concrete window cills and surrounds.
- Replacement of dwelling uPVC windows and balcony doors.
- Replacement of communal windows
- Replacement of rainwater goods (gutters and downpipes), roof line features (fascia boards, soffits and bargeboards & extraction cowls.
- Replace communal entrance doors to include door entry system.
- Refurbishment of existing balconies
- Replacement of block signage’

10. The Applicant sets out what consultation it has undertaken in section 6.5 of its application stating:

‘Plymouth Community Homes have consulted with leaseholders within the block to comply with the Section 20 process of the Landlord & Tenant Act 1985, as per below:

1. Leaseholders received a Notice of Intention letter (30 April 2025), Statement of Estimates letter (5 June 2025) & Notice of Award letter (13 August 2025). A subcontractor known as the Bell Group have now been awarded the contract of works.'

11. In document attached to its application titled "Explain why you Seek dispensation for all or any of the consultation requirements" the applicant states :

'The Statement of Estimates letter (dated 5 June 2025) was sent to the lessee (Sharon Rostock's) correct correspondence address of '125M King Street'. However, an administration error has led to the Notice of Intention letter (dated 30 April 2025) & Notice of Award letter (dated 13 August 2025) both being sent to the incorrect correspondence address of 123M King Street.

The above will have resulted in the lessee only having the opportunity to submit written observations regarding the Statement of Estimates. Please note, Plymouth Community Homes (PCH) records indicate that the lessee did not submit any written observations.

Plymouth Community Homes (PCH) are seeking dispensation to recover full costs for the works yet to be carried out.

Sharon Rostock transferred the lease to Alex Rostock on 8 September 2025 without requesting for PCH to complete an LPE1 Management Pack. Whilst this is not a legal requirement PCH would have given the prospective purchaser the information.

Plymouth Community Homes would normally be asked to complete LPE1 Management Pack to inform the prospective purchaser of the upcoming works, however'

12. The Tribunal gave Directions ('the Directions') on the 27 February 2026 listing the steps to be taken by the parties in preparation for the determination of the application.
13. The Directions, at paragraph 11, 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 14 days of the receipt of these Directions.
14. **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

15. 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.
16. 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.
17. 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*”.
18. Furthermore, and following *Daejan v Benson*, the Tribunal has power to grant dispensation on terms.

Consideration and Decision

19. 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.
20. The Directions of 27 February 2026 state, at paragraph 15, “The application shall stand as the Applicant’s case”.
21. In its application, the Applicant states the case is appropriate to be dealt with without a hearing (a paper determination).
22. 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.

23. The Directions include provisions in the event the Respondents oppose the application.
24. Thereafter the Directions give the date by which the Applicant is to confirm to the Tribunal that no objections have been received from the Respondents, if applicable, being 18 March 2026.
25. The bundle includes completed forms, confirming no objections, for the leaseholders of 125E & 125J .
26. The Tribunal received no responses from the remaining leaseholders being, 125B, 125D, 125L and 125M. Furthermore, we are informed by the applicant in their emails of the 16 March 2026 and 19 March 2026 that they received no objections.
27. The Applicant further states in the email of the 16 March 2026 that they had spoken with the leaseholders of 125D on 13 March 2026 at 4.30pm and the leaseholder confirmed that they were satisfied with the application and that they did not intend on returning the form.
28. The bundle includes a copy of the lease for 125M King Street, Stonehouse, Plymouth. The lease term commences on 25 July 1988 and expires on 25 July 2113.
29. The lessee covenants, in clause 15 of the fifth schedule;

‘The Lessee shall contribute and shall keep the Lessor indemnified from and against one twelfth of all costs and expenses incurred by the Lessor in carrying out its obligations under and giving effect to the provisions of the Sixth Schedule hereto including Clauses 10 to 11 inclusive of that Schedule and in enabling the Lessee to enjoy the rights contained in the Third schedule hereto.’
30. The sixth schedule of the lease deals with service charge expenses and obligations at clause 4 states

‘The lessor shall keep the Reserved Property and all fixtures fittings and apparatus therein and additions hereto in a good and tenable state of repair decoration and condition and in particular shall keep and maintain the exterior of the Block (including the roof thereof) in a good and tenable repair decoration and condition PROVIDED THAT nothing herein contained shall prejudice the Lessor’s rights to recover from the Lessee or any other person the amount of value of any loss or damage suffered by or caused to the Lessor or the Reserved Property by the negligence or other wrongful act or default of the Lessee or such other person’

31. The reasons why dispensation from the consultation requirements of the 1985 Act is sought by the Applicant is due to errors, as set out above, in its initial Section 20 consultation process, where the Notice of Intention (dated 30 April 2025) and Notice of Award (dated 13 August 2025) addressed to Sharon Rostock the then leaseholder of 125M was sent to 123M King Street.
32. The Applicant undertook a full Section 20 consultation with the Respondents with the details set out above. Save for errors made during this process, in relation to the leaseholder of 125M's Notice of intention and Notice of Award being sent to 123M King Street, the Applicant would not have made this application.
33. The Statement of Estimates (dated 5 June 2025) was sent to Sharon Rostock, the then leaseholder, and so she should have been aware of the works and was given an opportunity to provide written observations regarding the Statement of Estimates. The Applicant states that its records indicate that no such written observations were received.
34. Furthermore, no objection during this Application has been received from the current leaseholder, Alex Rostock, of 125M.
35. The Tribunal finds that nothing different would be done or achieved in the event that a new consultation process was undertaken, and the errors in the previous process rectified, except for the potential delay.
36. The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.
37. Taking all the above into consideration and no objections to the application having 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 solely to the works described in paragraph 9 above.
38. Thus, the Tribunal grants the application from Plymouth Community Homes dated 15 October 2025 for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same.
39. The dispensation is granted subject to the two following conditions:
40. Firstly, the Applicant serves upon the Respondents a copy of this decision.
41. Secondly, the Applicant shall place a copy of the this decision on its website (if any) within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link to it on its home page. It should also be posted in a prominent position in the communal areas. In this way, any leaseholder who has not returned the reply form may view the Tribunal's decision on dispensation and their appeal rights.

RIGHTS OF APPEAL

42. 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.
43. 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.
44. 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.
45. 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.