



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

Case Reference	:	CAM/00MX/LDC/2025/0698
HMCTS code (paper, video, audio)	:	P: PAPERREMOTE
Property	:	Highfield Flats (1-4 Tweenfields; 5-8 Carmel Court; 9-12 Tower House) Marlow, Buckinghamshire, SL7 2LG
Applicant	:	Highfield Flat Owners Ltd
Representative	:	Alba Management Services
Respondents	:	All leaseholders of dwellings at the Property
Type of application	:	For dispensation from consultation requirements - Section 20ZA of the Landlord and Tenant Act 1985
Tribunal member	:	Judge R. Boucher
Date of decision	:	16 February 2026

DECISION

The tribunal's decision

The tribunal determines under section 20ZA of the Landlord and Tenant Act 1985 to dispense with all the consultation requirements in relation to the works described in the application form, namely works the water main and stopcocks in order to return a safe water supply to Flat 8.

The application

1. Highfield Flat Owners Ltd, as landlord of the Property, applied for dispensation from the statutory consultation requirements in respect of qualifying works to replace the existing stopcocks and to join a new water main in order to return a safe water supply to Flat 8.
2. The relevant contributions of the Respondents through the service charge towards the costs of these works would potentially be limited to a fixed sum unless the statutory consultation requirements, prescribed by section 20 of the Landlord and Tenant Act 1985 (the “**1985 Act**”) and the Service Charges (Consultation etc) (England) Regulations 2003 (the “**2003 Regulations**”):
 - (i) were complied with; or
 - (ii) are dispensed with by the tribunal.
3. The Applicant seeks a determination from the tribunal, under section 20ZA of the 1985 Act, to dispense with the consultation requirements. The tribunal has jurisdiction to grant such dispensation if satisfied that it is reasonable to do so.
4. The tribunal did not inspect the Property as it considered the documentation before it in the bundle gave sufficient information for the tribunal to proceed with this determination. The Tribunal was provided with a 55 page bundle by Alba Management Services, the representative of the Applicant.
5. In this application, the only issue for the tribunal is whether it is satisfied that it is reasonable to dispense with the consultation requirements. **This application does not concern the issue of whether any service charge costs of the relevant works will be reasonable or payable, or what proportion is payable.**

The property, the parties and the leases

6. The application form describes the Property as a manor house built in 1910, divided into 12 self-contained flats in three separate parts. Tweenfields contains Flats 1-4, Carmel Court contains Flats 5-8 and Tower House contains Flats 9-12.
7. The bundle contained a copy of the lease for Flat 12. Clause 5(3)(B) of the lease contain an obligation on the landlord to repair both at (ii) the main water tanks drains gutters and rain water pipes of the flat (other than those demised to leaseholders), and also at (iii) all “conduits” in under and upon the flat as may be used by the landlord or other flat owners. The definition of “conduits” is “cisterns tanks water supply

pipes water boosters pumps sewers drains gutters soil pipes waste water pipes and pipes wires or cables used for the conveyance of electrical current or gas and all other services and all valves traps switches and meters appertaining thereto”.

8. The works envisaged the Applicant requiring access to Flats 6, 7 and 8. The lease permits the landlord to enter into the flats upon reasonable notice for the purposes of carrying out repairs, at clause 3(7).

Procedural history

9. On 10 December 2025, the tribunal gave case management directions. The Applicant was directed to send to each of the Respondents a copy of the application along with the documents referred to in the directions at paragraph 2 of the directions by 17 December 2025. An email in the bundle [25A] indicates this was done by Alba Management Services (“**Alba**”) on 10 December 2025.
10. The directions included a reply form for any Respondent leaseholder who objected to the application to return to the tribunal and the Applicant by 21 January 2026, indicating whether they wished to have an oral hearing. The directions provided that this matter would be determined on or after 11 February 2026 based on the documents, without a hearing, unless any party requested one.
11. No leaseholder has responded and no party has requested an oral hearing. Accordingly, this determination is based on the documents produced by the Applicant in their bundle. The tribunal considers this is proportionate.

The Applicant’s case

12. The Applicant’s application states that the works in which dispensation is applied for were urgent, due to one of the flats (Flat 8) being without a water supply.
13. The Applicant’s managing agent, Alba wrote to the leaseholders on 30 September 2025 informing them that essential water works had been identified that would take place on 15 and 16 October 2025. The bundle [20-21] includes a quote from Pursell & Randall Mechanical Services Ltd (“**P&R**”) addressed to Alba and dated 15 September 2025, which must have informed the 30 September 2025 letter.
14. The 15 September quote is for £2,460 plus VAT for the works to the existing stopcock in the ground, to the water main, and to Flat 8. A further section of the quote is given over to works required to Flats 7 and 8 in which P&R state “I am not able to give a fixed price due to unforeseen works and not clear position of where stopcocks are located

in each demise” and confirms an hourly rate of £65 plus VAT plus materials.

15. The bundle [22-25] also contains a job sheet from P&R and an invoice dated 16 October 2025, produced after the works had finished. The additional works have been priced at 11 hours at £65 per hour plus VAT (totalling £715 plus VAT) and materials at £210 plus VAT. The total invoiced sum was therefore the fixed quote for the main works including those to Flat 8 of £2,460 plus VAT and the additional works to Flats 6 and 7 of £925 plus VAT, making £3,385 plus VAT.

The Respondents’ position

16. The directions provided for any Respondent who wished to oppose the application for dispensation to complete the reply form attached to the directions and send it to the tribunal and the Applicant by 21 January 2026. The tribunal has not received any response or statement of case opposing the application, or comments on the Applicant’s statements in the application form. In the circumstances, the tribunal concluded that the application was unopposed.

The Issues

17. Section 20 of the 1985 Act requires that a landlord undertaking major works, i.e. those that would require a leaseholder to contribute more than £250 towards those works, to consult with the leaseholders in accordance with the 2003 Regulations.
18. If this consultation procedure is not complied with, it is possible for a landlord to obtain dispensation from compliance with the requirements by way of an application such as this one. The tribunal must be satisfied that it is reasonable to give dispensation.
19. In *Daejan Investments Limited v Benson* [2013] UKSC 14, the Supreme Court set out how the tribunal should assess such an application. The Supreme Court decided:
 - (i) The correct question was whether if dispensation was granted whether the tenants would suffer any relevant prejudice.
 - (ii) The purposes of the consultation requirements is to protect leaseholders in relation to service charges either (i) paying for inappropriate works or (ii) paying more than would be appropriate.

- (iii) The tribunal has the power to grant dispensation on appropriate terms, including the power to impose conditions when exercising its discretion, thus achieving a fair balance between leaseholders and landlords.
 - (iv) The factual burden of identifying some relevant prejudice that might or would be suffered by the leaseholders rests with the leaseholders. The legal burden of proof remains on the landlord, once such relevant prejudice has been identified, and once the leaseholders have shown a creditable case for prejudice the tribunal should look to the landlord to rebut it.
- 20. The question of prejudice must be addressed, even if the works are urgent (as is the Applicant's position in this case), as set out in *Marshall v Northumberland & Durham Property Trust Ltd* [2022] UKUT 92 (LC).
- 21. No objections or representations have been received from the leaseholders in this case, therefore the factual burden on the leaseholders to identify relevant prejudice has not been engaged. The tribunal has been unable to identify any relevant prejudice that the leaseholders have suffered due to the Applicant's failure to comply with its consultation requirements in respect of these works.
- 22. The tribunal notes that the works were undertaken with the benefit of a quote from P&R obtained in advance. Flat 8 having no access to mains water is a serious and urgent matter and the Applicant's desire to resolve the matter quickly is understandable. In the absence of any prejudice to the leaseholders being identified, dispensation is appropriate.

The tribunal's decision

- 23. The tribunal is satisfied that it is reasonable to dispense with the statutory consultation requirements in relation to the relevant works.
- 24. The tribunal grants dispensation without conditions because, on the evidence before it, no relevant prejudice has been identified and the urgency of restoring water to Flat 8 justified immediate works.
- 25. The Applicant shall send a copy of this decision to each of the leaseholders as soon as possible, and in any event within 7 days of the Applicant receiving this decision.

26. **As noted above, this decision does not determine whether the cost of these works was reasonable or payable under the leases, or what proportion is payable under the lease(s), only whether the consultation requirements should be dispensed with in respect of them.**

Name: Judge R. Boucher

Date: 16 February 2026

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).