



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

Case reference : **HAV/OOMS/LDC/2025/0019**

Property : **Rangers Court, 1 Ocean Way
Southampton, SO14 3AG**

Applicant : **Ranger OV RTM Limited**

Representative : **HMS Property Management Services
Ltd**

Respondent : **The Residential Leaseholders of Ranger
Court**

Representative : **none**

Type of application : **To dispense with the requirements to
consult lessees about major works
section 20ZA of the Landlord and
Tenant Act 1985.**

Tribunal members : **R Waterhouse FRICS**

Venue : **Havant Justice Centre, Elmleigh Road,
Havant PO9 2AL- Determination on
Papers.**

Date of decision : **20 April 2026**

DECISION

Summary of the Decision

1. The Applicant is granted dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act in respect of major works, that relate to temporary works that were undertaken to a collapsed soffit to make the area safe and allow the removal of long-standing scaffolding that was generating ongoing costs for leaseholders.

The application and the history of the case

2. The matter was determined on papers, no request for a hearing or inspection was received and the Tribunal did not consider either to be proportionate.

3. The Applicant, Ranger OV RTM, by letter dated 31 July 2025, appointed HMS Property Management Services Limited to act on their behalf in respect of this application.

4. The property is described as a residential apartment building located in the Ocean Village, Southampton, at 1 Ocean Way, Southampton, SO14 3AG. The building comprises a mix of one and two-bedroom apartments, a total of 16 residential flats, along with the two commercial units that are currently leased to Tesco.

5. The Respondents are the leaseholders.

6. The Applicant applied by an application dated “21 December 2026”, the Tribunal gives an interpretation that a reasonable person would in this matter understand that the intended date of signature was 21 December 2025, for dispensation under Section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) from the consultation requirements imposed by Section 20 of the Act in respect of major works, these set out in the Directions of 11 March 2026 :

relate to temporary repair works to a collapsed soffit area, carried out to make the area safe and to allow the removal of long-standing scaffolding. The works were instructed to Intermix Management and were carried out between 18 December 2025 and 7 January 2026.

7. Further:

We are requesting dispensation from the full consultation requirements as it was not reasonable or cost-effective to delays the works. The temporary works were necessary to make the area safe and allow the removal of long-standing scaffolding that was generating ongoing costs for leaseholders. A full repair was not appropriate at this stage due to the upcoming cladding remediation works. Two competitive quotations were obtained, and the most cost-effective option was selected to ensure value for money.

The Tribunal provided Directions dated 16 February 2026, then amended 11 March 2026. The Directions provided at paragraph 14 that Respondents shall by 31 March 2026 complete a reply form and send it to the Tribunal and the

Applicant and if they oppose the application, a statement setting out why they oppose the application. The Tribunal assuming that those Respondents not returning the attached form and those agreeing to the application do not wish to receive any further communications from the Tribunal including a copy of the determination unless a specific request is made.

8. The applicant by e mail dated 31 March 2026 informed the tribunal that they had received one reply from the respondent leaseholders.

The response was from the leaseholder of Flat 8 and was in support of the application for dispensation.

The Law

9. Section 20 of the Landlord and Tenant Act 1985 (“the Act”) and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum unless the required consultations have been undertaken or the requirement has been dispensed with by the Tribunal. An application may be made retrospectively.

10. Section 20ZA provides that on an application to dispense with any or all of the consultation requirements, the Tribunal may make a determination granting such dispensation “if satisfied that it is reasonable to dispense with the requirements”.

11. The appropriate approach to be taken by the Tribunal in the exercise of its discretion was considered by the Supreme Court in the case of Daejan Investment Limited v Benson et al [2013] UKSC 14.

12. The leading judgment of Lord Neuberger explained that a Tribunal should focus on the question of whether the lessee will be or had been prejudiced in either paying where that was not appropriate or in paying more than appropriate because the failure of the lessor to comply with the regulations. The requirements were held to give practical effect to those two objectives and were “a means to an end, not an end in themselves”.

13. The factual burden of demonstrating prejudice falls on the lessee. The lessee must identify what would have been said if able to engage in a consultation process. If the lessee advances a credible case for having been prejudiced, the lessor must rebut it. The Tribunal should be sympathetic to the lessee(s).

14. Where the extent, quality and cost of the works were in no way affected by the lessor’s failure to comply, Lord Neuberger said as follows: “I find it hard to see why the dispensation should not be granted (at least in the absence of some very good reason): in such a case the tenants would be in precisely the position that the legislation intended them to be- i.e. as if the requirements had been complied with.”

15. The “main, indeed normally, the sole question”, as described by Lord Neuberger, for the Tribunal to determine is therefore whether, or not, the lessee

will be or has been caused relevant prejudice by a failure of the Applicant to undertake the consultation prior to the major works and so whether dispensation in respect of that should be granted.

16. The question is one of the reasonableness of dispensing with the process of consultation provided for in the Act, not one of the reasonableness of the charges of works arising or which have arisen.

17. If dispensation is granted, that may be on terms. That is to say that dispensation is granted but only if the landlord accepts- and fulfils appropriate conditions. Specific reference was made to costs incurred by the lessees, including legal advice about the application made.

18. There have been subsequent decisions of the higher courts and Tribunals of assistance in the application of the decision in Daejan but none are relied upon or therefore require specific mention in this Decision.

19. More generally, the Tribunal considers that the case authorities demonstrate that the Tribunal has a very wide discretion to, if it considers it appropriate, impose whatever terms and conditions are required to meet the justice of the particular case- in Daejan it was said “on such terms as it thinks fit- provided, of course, that any such terms are appropriate in their nature and their effect”.

Submissions and Consideration

20. The Application contain a copy of a sample lease, a high-level review of these indicates the landlord is responsible for undertaking these works and collecting the cost of such from the leaseholders.

21. The Applicant provided photographs, a quotation from DMC Walling for “removal of the existing soffit boards and installing mill finish aluminium sheets to the soffit at a price of £9,595.80, a copy of the completion works, an invoice and a tender breakdown and a breakdown of works instructed by RMG.

Determination

22. The Tribunal finds that the Respondents will not suffer any prejudice by the failure of the Applicant to follow the full consultation process.

23. The Tribunal consequently finds that it is reasonable to dispense with all of the formal consultation requirements in respect of the major works to the building.

24. This decision is confined to determination of the issue of dispensation from the consultation requirements in respect of the major works outlined above. The Tribunal has made no determination on whether the costs incurred are reasonable and whether service charges are payable in any given sum or at all. If a Lessee wishes to challenge the reasonableness of those costs and/ or the payable service charges, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

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).