



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

Case reference : **BIR/17UB/LDC/2025/0009**

Properties : **Village Court, Town St, Duffield, Derby
DE56 4EG**

Applicant : **Places for People Living + Ltd**

Representative : **Residential Management Group Ltd**

Respondents : **The long leaseholders at the Property
listed in the Appendix**

Representatives : **None**

Type of application : **An application under section 20ZA of
the Landlord and Tenant Act 1985 for
the dispensation of the consultation
requirements in respect of qualifying
works**

Tribunal members : **Judge C Goodall
Regional Surveyor V Ward FRICS**

**Date and place of
hearing** : **Paper determination**

Date of decision : **13 May 2026**

DECISION

Background

1. The Property comprises (according to the Applicant) 18 maisonettes across 5 two-storey buildings, with access at street level via their own front doors. The buildings have accommodation on a single level either at ground or first floor level. The blocks' numbers are 6-11, 12-14, 15-16 and 17-20 excluding no.13 Village Court. That is of course only four blocks, but Streetview clearly shows an additional block containing flats 2 – 5.
2. The Applicant has applied for a retrospective decision by this Tribunal that it may dispense with the consultation requirements contained in section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003 in respect of qualifying works to replace the roof felt and partial re-roof to the roof above Flats 17-20 Village Court (“the Works”). The legal provisions identified are explained in more detail below.
3. Unless there is full compliance with the consultation requirements, or a dispensation application is granted, the Applicant is prevented by law from recovering more than £250.00 from each Respondent in respect of the cost of the Works. Therefore, it has made the Application, which was dated 20 February 2025.
4. Directions were issued on 15 July 2025 requiring the Applicant to serve all the Respondents with full details of the Works and explaining why it had decided to seek dispensation rather than carry out a full consultation. The Directions set out how the Respondents could respond to the application by providing a response form which was attached to the Directions indicating whether the Respondents agreed to the application or wished to object to it, which was to be completed by 5 September 2025.
5. The Applicant has confirmed that it sent a copy of the application, a copy of the Directions, and an expanded statement of case with supporting documents to all Respondents on 8 August 2025. The Respondents were thus all given an opportunity to respond to the Application and make their views known as to whether the Tribunal should grant it. None have responded.
6. The Application has been referred to the Tribunal for determination. This is the decision on the Application.

Law

7. The Landlord and Tenant Act 1985 (as amended) imposes statutory controls over the amount of service charge that can be charged to long leaseholders. If a service charge is a “relevant cost” under section 18, then the costs incurred can only be taken into account in the service charge if they are reasonably incurred or works carried out are of a reasonable standard (section 19).

8. Section 20 imposes an additional control. It limits the leaseholder's contribution towards a service charge to £250 for works unless "consultation requirements" have been either complied with or dispensed with. There are thus two options for a person seeking to collect a service charge for either works on the building or other premises costing more than £250. The two options are: comply with "consultation requirements" or obtain dispensation from them. Either option is available.
9. To comply with consultation requirements a person collecting a service charge has to follow procedures set out in the Service Charges (Consultation Requirements) (England) Regulations 2003 (see section 20ZA(4)).
10. To obtain dispensation, an application has to be made to this Tribunal. We may grant it if we are satisfied that it is reasonable to dispense with the consultation requirements (section 20ZA(1) of the Act).
11. The Tribunal's role in an application under section 20ZA is therefore not to decide whether it would be reasonable to carry out the works, but to decide whether it would be reasonable to dispense with the consultation requirements.
12. The Supreme Court case of *Daejan Investments Ltd v Benson* [2013] UKSC 14; [2013] 1 WLR 854 (hereafter *Daejan*) sets out the current authoritative jurisprudence on section 20ZA. This case is binding on the Tribunal. *Daejan* requires the Tribunal to focus on the extent to which the leaseholders would be prejudiced if the landlord did not consult under the consultation regulations. It is for the landlord to satisfy the Tribunal that it is reasonable to dispense with the consultation requirements; if so, it is for the leaseholders to establish that there is some relevant prejudice which they would or might suffer, and for the landlord then to rebut that case.
13. The Tribunal may impose conditions on the grant of dispensation.
14. The general approach to be adopted by the Tribunal, following *Daejan*, has been summarised in paragraph 17 of the judgement of His Honour Judge Stuart Bridge in *Aster Communities v Chapman* [2020] UKUT 0177 (LC) as follows:

"The exercise of the jurisdiction to dispense with the consultation requirements stands or falls on the issue of prejudice. If the tenants fail to establish prejudice, the tribunal must grant dispensation, and in such circumstances dispensation may well be unconditional, although the tribunal may impose a condition that the landlord pay any costs reasonably incurred by the tenants in resisting the application. If the tenants succeed in proving prejudice, the tribunal may refuse dispensation, even on robust conditions, although it is more likely that conditional dispensation will be granted, the

conditions being set to compensate the tenants for the prejudice they have suffered.”

The Application

15. The Applicants have explained that in October 2024, it was made aware of a water leak into Flat 17. A contractor carried out repairs which stopped the leak. However, in November, there was a further leak. The contractor attended again and carried out another repair, but it also inspected the roof void and advised the Applicant that several sections of roof felt were missing, and that the felt roof was beyond repair and required replacement. That contractor was unable to quote to carry out the repair as it was beyond the scope of its expertise.
16. The Applicant therefore instructed JLB Maintenance Ltd to inspect and quote. They advised that both re-felting and a partial new roof were required and quoted £11,036.40 (including VAT and scaffolding cost).
17. On the basis that repairs were urgent due to ongoing water ingress sufficiently serious to require the use of buckets to catch water leaking through the roof, and pressure from the lessees, the Applicant decided not to carry out a full consultation and instructed JLB to carry out the works. They started in January 2025 and were completed on 21 February 2025.
18. No Respondent has objected to the Application.

Discussion and decision

19. The Tribunal accepts the rationale for making the Application. We accept the unchallenged evidence from the Applicant that roof repairs were urgent due to ongoing water ingress. The Applicant’s view is that a consultation under section 20 would have been more time consuming than was reasonable, and thus applying for dispensation was appropriate.
20. No Respondent has claimed to have suffered or be likely to suffer any prejudice as a result of the grant of the Application.
21. We **determine** that the Application is granted. The Applicant may dispense with the consultation requirements contained in section 20 of the Act in respect of the carrying out of the Works.
22. This decision does not operate as a determination that any costs charged to any Respondent for the Works are or would be reasonably incurred. They may well have been, but that is an entirely different issue, and Respondent’s remain at liberty to challenge such costs under section 27A of the Act in the future should they wish.
23. Similarly, this decision does not impact the apportionment of the costs of the Works between the Respondents. We have no role when making a dispensation order in determining how the lease apportions the sharing

of the costs of the Works, which appear to have been to only one block at Village Court, between the lessees of all five blocks.

Appeal

24. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Judge C Goodall
Chair
First-tier Tribunal (Property Chamber)

Appendix - The Respondents

Mrs P Vasko
Mrs P Giovannelli
Mrs S Drummond
Mrs E Labram
Mrs R Driscoll
Mr Louis Cody & Mrs Vera Cody
Mr N Storer
Mr S Gadsby
The Estate of the Late Mrs D Elston
Mr N & Mrs S Storer
C Theobald
Mrs M Giaquinto
Miss W Palmer
Mr C Frost
Mr D & Mrs E Nove
Mrs White
The Estate Of The Late Mrs Swanwick
Mr P Dempsey