



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

Case reference : **CAM/38UE/LDC/2026/0017**

Property : **Fleur De Lis Abingdon, 12 Wooton Road, Abingdon, Oxon, OX14 1JA**

Applicant : **Pegasus Homes Customer Operations Ltd**

Respondents : **All leaseholders of Fleur De Lis Abingdon, 12 Wooton Road, Abingdon, Oxon, OX14 1JA**

Type of application : **For dispensation under section 20ZA of the Landlord and Tenant Act 1985**

Tribunal : **Judge Bernadette MacQueen**

Date of decision : **28 April 2026**

DECISION

Decision of the Tribunal

The Tribunal determines that an order for dispensation under section 20ZA of the Landlord and Tenant Act 1985 shall be made dispensing with all of the consultation requirements in relation to the works identified below for the reasons set out in this decision

Introduction

1. By application dated 12 February 2026, the Applicant sought an order pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) for dispensation of the consultation requirements in respect of works to repair the lift at the Property.
2. The Tribunal made directions on 3 March 2026 for the Applicant to send their application to the Respondents, and for the Respondents who oppose the application to make representations. Further, the directions required the Applicant to prepare a bundle of documents for the Tribunal to use when determining the application. The Tribunal has received a bundle totalling 62 pages (the Bundle). This included the application, correspondence sent to leaseholders and details of the work.

The Work

3. The Applicant submitted that the electronic valve block of the lift was defective and required replacement. Pending completion of that work, the lift was unsafe to operate and was therefore taken out of service.
4. The Applicant provided within the Bundle a quotation from Dorset Lifts dated 27 January 2026 for the supply and fitting of a replacement valve block, a pre-programmed valve block board and a power supply, at a cost of £8,326.81 plus VAT of £1,665.36, totalling £9,992.17. The cost of this work was above £250 per leaseholder, meaning that consultation with leaseholders was required (section 20 of the Act).
5. The Applicant stated that the works required urgent completion, as residents at the Property rely on the lift for access. In those circumstances, the Applicant applied for dispensation from the statutory

consultation requirements in order to enable the repairs to be carried out without delay.

6. In addition, the Applicant undertook consultation with leaseholders by convening a residents' meeting on 10 February 2026, at which details of the proposed works and their estimated cost were given. The Applicant also commenced the formal consultation process by serving a Notice of Intention on residents on 13 February 2026.

Section 20ZA Application

7. In accordance with the Tribunal's directions, by letter dated 5 March 2026 (a copy of which was included in the Bundle), the Applicant sent to the Respondent leaseholders a copy of the application made to this Tribunal and a copy of the Tribunal's directions. This included notifying Respondent leaseholders of the process to be followed if they wished to make objections.
8. None of the Respondents have objected to the application.

Relevant Law

9. This is set out in the Appendix annexed below. The only issue for the Tribunal is whether it is reasonable to dispense with the statutory consultation requirements. This application does not concern the issue of whether any service charge costs will be reasonable or payable.

Decision

10. The Tribunal's determination took place without a hearing. This meant that this application was determined solely on the basis of the documentary evidence filed by the Applicant. As stated earlier, no objections have been received from any of the Respondents nor have

they filed any evidence.

11. The relevant test to be applied is set out in the Supreme Court decision in **Daejan Investments Ltd v Benson & Ors** [2013] UKSC 14 where it was held that the purpose of the consultation requirements imposed by section 20 of the Act was to ensure that tenants were protected from paying for inappropriate works or paying more than was appropriate. In other words, a tenant should suffer no financial prejudice in this way.
12. The issue before the Tribunal was whether dispensation should be granted in relation to the requirement to carry out statutory consultation with the leaseholders regarding the overall works. As stated in the Directions order, the Tribunal was not concerned about the actual cost of the work.
13. The Tribunal was satisfied that the Respondents have been properly notified of this application and have not made any objections and accepts the Applicant's evidence that the works are required.
14. Accordingly, the Tribunal grants the application for the following reasons:
 - (a) The Tribunal is satisfied that the nature of the work means that it has to be undertaken by the Applicant sooner rather than later. In particular, the Tribunal notes the need to restore lift access at the Property, and the need to do so quickly given that a number of residents that rely on the lift as their only viable way of accessing their homes.
 - (b) The Tribunal is also satisfied that if the Applicant carried out statutory consultation, it is likely that there would be delay. The Tribunal notes that the Applicant has undertaken some consultation by holding a residents' meeting on 10 February 2026

and sending a Notice of Intention dated 13 February 2026 to leaseholders.

- (c) The Tribunal is satisfied that the Respondents have been kept informed of the need, scope and estimated cost of the proposed works.
 - (d) The Tribunal is satisfied that the Respondents have been served with the application and the evidence in support and there has been no objection from any of them.
 - (e) Importantly, the real prejudice to the Respondents would be in the cost of the work and they have the statutory protection of section 19 of the Act, which preserves their right to challenge the actual costs incurred by making a separate service charge application under section 27A of the Act.
16. The Tribunal, therefore, determines that the Respondents are not prejudiced by the Applicant's failure to consult and it is reasonable to grant dispensation.
17. It should be noted that in granting this application, the Tribunal makes no finding as to whether or not the scope and cost of the work is reasonable.

Name: Judge Bernadette MacQueen

Date: 28 April 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).

Appendix of relevant legislation

Landlord and Tenant Act 1985 (as amended)

Section 20

- (1) Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either—
 - (a) complied with in relation to the works or agreement, or
 - (b) dispensed with in relation to the works or agreement by (or on appeal from) the appropriate tribunal.
- (2) In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount, which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement.
- (3) This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.
- (4) The Secretary of State may by regulations provide that this section applies to a qualifying long term agreement—
 - (a) if relevant costs incurred under the agreement exceed an appropriate amount, or
 - (b) if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.
- (5) An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be an appropriate amount—
 - (a) an amount prescribed by, or determined in accordance with, the regulations, and

- (b) an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with, the regulations.
- (6) Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.
- (7) Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined.

Section 20ZA

- (1) Where an application is made to a leasehold valuation 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.