



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

**Case Reference** : HAV/00MS/LDC/2026/0025

**Property** : Victor Court, Thornhill Park, Southampton,  
Hampshire, SO18 5TW

**Applicant** : Grange Management (Southern) Limited

**Representative** : None.

**Respondents** : The leaseholders

**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** : 27 April 2026

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**DECISION**

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## **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:**

**‘Urgent works are required to restore life critical passenger lift serving 40 flats with multiple vulnerable residents who are dependant [sic] on the lift. The lift requires a new control panel as the main RAM Chip on the control panel is obsolete [sic] and not replaceable, the panel needs to be fully replaced in order to operate.’**

- 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 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 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 11 February 2026.**
- 8. The property is described as:**

**‘PURPOSE BUILT BLOCK OF 40 RETIREMENT FLATS’**

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

‘Urgent works are required to restore life critical passenger lift serving 40 flats with multiple vulnerable residents who are dependant [sic] on the lift. The lift requires a new control panel as the main RAM Chip on the control panel is obsolete [sic] and not replaceable, the panel needs to be fully replaced in order to operate.’

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

‘We have served the Notice of Intent dated 4th of February 2026 and also a letter to all residents explaining that we are applying for dispensation under S20ZA.

We detailed the costs of the work, the consult level under S20 and the difference in costs for which Grange could be liable if challenged.

The cost of the works will be charged to the reserve fund, in which there are sufficient sums to cover the project we have explained the cost of the works along with the formal consult level.’

11. The Applicant states the following as the reasons why it is seeking dispensation of all or any of the consultation requirements:

‘We are asking for a dispensation due to the urgency of the required works due to the residents health and wellbeing. Therefore, we are unable to wait until the S20 process is fulfilled.’

12. The Tribunal gave Directions (‘the Directions’) on the 25 February 2026 listing the steps to be taken by the parties in preparation for the determination of the application.

13. The Directions, at paragraph 9, 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 7 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 service 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 25 February 2026 state, at paragraph 13, ‘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 Tribunal received no responses from the leaseholders. Once prompted by the Tribunal the Applicant by email dated 26 March 2026 confirmed that they had received no objections.
26. The bundle includes a copy of the lease for Flat 12 Victor Court, Thornhill Park Road, Thornhill, Southampton. The lease term commences on 25 December 1988 and expires on 24 December 2113.
27. The lessee covenants, in Clause 3;  
 ‘The Tenant covenants to pay to the Landlord the Service Charge as a contribution towards the costs and expenses of running the Estate and the maintenance thereof and the other matters more particularly specified in the Third Schedule in accordance with the provisions of the said Schedule.’
28. Paragraph 2 of the third schedule of the lease deals with service charge expenses and obligations:  
 ‘The services referred to in paragraph 1 of this Schedule are as follows:-  
 1. The carrying out by the Landlord of its obligations in clauses:-  
 5.1 (a) (maintenance repair and decoration of the Main Structure and the common parts; maintenance of services)’
29. Cause 1.9 of the lease defines The Common Parts as follows:  
 ‘“The Common Parts” means the roads accessways drives footpaths car parking areas entrance halls corridors landings staircases communal lounge refuse areas gardens and all other parts (if any) of the Estate which are intended for the use and enjoyment of the Tenant (in common with other occupiers and their invitees) of the flats comprised within the Estate PROVIDED THAT the Landlord shall be entitled to vary the extent of the garden area from time to time provided that the amenities thereby provided are not substantially diminished’
30. The reasons why dispensation from the consultation requirements of the 1985 Act is sought by the Applicant is:  
 ‘due to the urgency of the required works due to the residents health and wellbeing. Therefore, we are unable to wait until the S20 process is fulfilled.’

31. The Applicant has started to undertake a Section 20 consultation and sent a Notice of Intention dated 4 February 2026 to leaseholders. The Applicant is seeking to instruct a contractor urgently for the reasons set out above, without completing a full consultation.
32. For the Tribunal to grant dispensation will allow the works to be completed and for the property to have an operational lift to the benefit of the leaseholders' health and wellbeing.
33. The Tribunal finds that nothing different would be done or achieved in the event of a full consultation with the Lessees, except for potential delay and potential problems associated with not having an operational lift.
34. The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.
35. 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.
36. Thus, the Tribunal grants the application from Grange Management (Southern) Limited dated 11 February 2026 for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same.
37. The dispensation is granted subject to the two following conditions:
38. Firstly, the Applicant serves upon the Respondents a copy of this decision.
39. Secondly, the Applicant shall place a copy of 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**

40. 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](mailto: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.
41. 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.

42. 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.
43. 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.