



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

Case reference : HAV/29UN/LDC/2025/0757

Property : Naldera, Cliff Promenade, Broadstairs, CT10
3QY

Applicant : Alan Cullerne-Bown (Deceased)

Representative : Dawn Cullerne-Bown
Margaret Carter

Respondents : Paul James
Dawn Cullerne- Browne & Margaret Carter
as executors of the late Alan Cullerne-
Browne
Malcolm Weeks and Annette Hearn
Kamal Farid
Jason and Nicola Moorhead
Frank and Kim Thorley
Malcolm Weeks and Annette Hearn
Helen and Carl Kiddell

Representative : None

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

Tribunal members : Judge Taylor

**Date and Venue of
hearing** : 5 May 2026, on the papers

Date of decision : 5 May 2026

DECISION

Decision of the Tribunal

The Tribunal grants the application for dispensation under Section 20ZA of the Landlord and Tenant Act 1985 in relation to works undertaken in October 2025 to repair the roof of the Property.

The application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) from the consultation requirements in relation to certain “Qualifying Works” (as defined by the Act). The application was received on 18 March 2026.
2. This matter has been dealt with without a hearing pursuant to Rule 31 of the Tribunal Procedure Rules 2013 and the Tribunal’s Directions dated 18 March 2026. No objections were received to that approach.
3. The Property is described in the application as a block of flats containing eight residential flats.
4. The Applicant is the Estate Alan Cullerne-Brown (Deceased). Mrs Cullerne- Browne and Mrs Carter have made the Application as executors of the Estate of Mr Cullerne-Brown. The papers supplied to by the Applicant do not include either office copy entries for the title to the Property at HM Land Registry, to evidence ownership, or a copy of any Grant of Probate, to evidence the appointment as executors. However, the documents before the Tribunal include a Lease dated 7 March 2024 for flat 8. The Landlord under that lease is “Dawn Cullerne-Brown and Margaret Irene Carter (as Executors for Alan Michael Cullerne-Brown)”. The Lease was prepared and completed by solicitors. The Tribunal finds on the evidence of the Lease that the Applicant is the Landlord of the Property and Dawn Cullerne-Brown and Margaret Irene Carter are the executors of the Applicant’s estate.
5. The Respondents are the eight leaseholders. Only the lease for flat 8 has been supplied to the Tribunal. Under clause 10 of that Lease

the Applicant covenanted (amongst other things) to maintain and repair:” ...the *Structural Parts*... “[of “*the Building*” as defined]. In the absence of any evidence to the contrary, the Tribunal proceeds on the inference that the Leases of the other flats contain substantially the same provision.

6. The Qualifying Works for which dispensation is sought are described in the application as urgent roof repairs required because the leaseholders' flats were being flooded.
7. Dispensation is sought retrospectively; the works having been completed in October 2025.
8. The only response to the application from the Respondents has come from Mrs Hearn, the joint owner of flat 7, who confirms that she agrees with the application. The Applicant has confirmed to the Tribunal that no objections have been received to the application.

The Issues

9. This decision is confined to determination of the issue of dispensation from the consultation requirements in respect of the qualifying works. The Tribunal has made no determination on whether the costs are payable or reasonable. If a leaseholder wishes to challenge the payability or reasonableness of those costs as service charges, including the possible application or effect of the Building Safety Act 2022, then a separate application under section 27A of the Landlord and Tenant Act 1985 would have to be made.

The Law

10. Section 20 of the Act and the Service Charges (Consultation Requirements) (England) Regulations 2003 require a landlord planning to undertake major works, where a leaseholder will be required to contribute over £250 towards those works, to consult the leaseholders in a specified manner.
11. It is possible to obtain dispensation from compliance with these requirements by an application such as this one before the Tribunal. The application can be made retrospectively after the work has been done and paid for, as in this case. Essentially the Tribunal must be satisfied that it is reasonable to grant dispensation.

12. Section 20ZA of the Act, subsection (1) provides as follows: *'Where an application is made to a 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.'*
13. The Supreme Court in the case of *Daejan Investments v Benson and others* [2013] UKSC 14 set out certain principles relevant to section 20ZA. Lord Neuberger, having clarified that the purpose of sections 19 to 20ZA of the 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'*.

The Tribunal's decision

14. The Applicant supplied to the Tribunal an invoice from "Pro Roofing Uk" which describes the work as:

"To remove defective flat gully. To supply and install a new Evo 20, 3 layer torch on flat roof system. Re felt and batten all 3 sides of flat roof using breathable felt and treated battens.

To re bed and re point hips on left hand roof and front roof. Re bed ridges on left had roof, front roof and right hand roof. Re bed and re point left and right hand valley. All works come with 10 years guarantee. All materials and labour included. All scaffolding included."

The work was done on or around 4 October 2025. The price was £5,500 and the invoice is noted as having been paid on 6 October 2025.

15. The works are said to have been undertaken urgently because they were required to stop flooding into the leaseholders' flats.
16. As noted above, the primary question for the Tribunal is to what extent, if any, the leaseholders have been prejudiced by the failure to comply with the consultation requirements. The urgency of the

works is not the test, although is relevant background information for the Tribunal to consider.

17. The Tribunal is satisfied on the evidence before it that the works set out in paragraph 14 above were required to repair the roof, that was in disrepair, and that the required work was within the Applicant's repairing obligation under the flat leases.
18. The Tribunal finds on the evidence before it that the roof works were required to be completed urgently to prevent water ingress into leaseholder flats. The Tribunal believes the requirement for urgent repairs is an important factor in this case. The Respondents have not provided any evidence of what they might have done differently if the Applicant had complied with the consultation requirements.
19. The Tribunal is satisfied, considering that there have been no objections to this application from the Respondents and the only reply from Mrs Hearn supports the application, that there is no evidence that the Respondents would suffer prejudice by the granting of dispensation relating to works.
20. In the circumstances set out above, the Tribunal considers it reasonable to dispense with the consultation requirements. Dispensation is granted pursuant to section 20ZA of the Landlord & Tenant Act 1985.

Rights of appeal

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. 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. Where possible you should send your further application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal to deal with it more efficiently.
3. If the person wishing to appeal does not comply with the 28-day 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-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. 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