



FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)

Case reference : HAV/21UC/LDC/2026/0050

Property : Park View, 6 Park Avenue, Eastbourne,  
East Sussex, BN22 9QN

Applicant : Park View Management (Eastbourne)  
Limited

Representative : Southdown Estates Limited

Respondents : Mr & Mrs Barrett – flat 1  
Mr S French & Miss L Hutchinson – flat 2  
Miss L Myring – flat 3  
Mr D Woods – flat 4  
Mr & Mrs Smith – flat 5  
Mrs G A Hesmer – flat 6  
The late Mrs E Harari – flat 7

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

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## DECISION

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### Decision of the Tribunal

The Tribunal grants the application for the dispensation of all or any of the consultation requirements provided for by section 20 of the Landlord and Tenant Act 1985 (Section 20ZA of the same Act) in relation to works to instal new insulation in the flat roof structure 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 30 March 2026. No objections were received to that approach.
3. The Property is described in the application as a purpose-built block containing seven residential flats, across four storeys, constructed in or around the 1980's.
4. The Applicant is the Management Company for the Property and the Respondents are the seven leaseholders. Under clause 5 of the Leases of the flats the Applicant covenanted (amongst other things) to maintain and repair:" the *main structure and in particular the roofs gutters and rain water pipes of the Building*".
5. The application relates to work that is required to replace the insulation to the flat roof structure of the Property, which has been discovered to be wet with condensation. The requirement for the work has been discovered during renovation work by the (new) owners of the top floor flat, flat 7; the ceiling of flat 7 was removed during the renovation work and the disrepair to the roof insulation was found.
6. The Qualifying Works for which dispensation is sought are described in the quotations provided by the Applicant as the fitting of new 100 mm Celotex insulation in the roof area above flat 7.

7. The Applicant says that a notice of intention under the consultation requirements of section 20 Landlord and Tenant Act 1985 was served on the leaseholders on 17 March 2026 but has not provided any further information on consultation with the leaseholders.
8. The only response to the application from the Respondents has come from Mrs Hesmer, the owner of flat 6. Mrs Hesmer confirms that she agrees with 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 form.
11. It is possible to obtain dispensation from compliance with these requirements by an application such as this one before the Tribunal. Essentially the Tribunal must be satisfied that it is reasonable to do so.
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 quotations from two contractors which set out detail of the Qualifying Works required in respect of the fitting of new insulation in the roof area above the ceiling of flat 7.
15. The works are said to be urgent because they need to be done while the ceiling is removed and the owners of flat 7 need to complete the renovation works so that they can move into the property.
16. The Tribunal is satisfied on the evidence before it that the works to instal new insulation in the roof area is necessary and needs to be completed urgently. The Tribunal accepts the Applicant's evidence that the work must be completed urgently, while the ceiling of flat 7 has been removed, so the owners of flat 7 can reinstate the ceiling and move into that flat.
17. The Tribunal is satisfied, considering that there have been no objections to this application from the Respondents and the only reply from Mrs Hesmer supports the application, that there is no evidence that the Respondents would suffer prejudice by the granting of dispensation relating to works.
18. 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](mailto: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