



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

Case Reference : HAV/21UC/LDC/2026/0007

Property : St.John's House, 28 St.John's Road,
Eastbourne, East Sussex BN20 7JB

Applicant : St John's House RTM Company Limited

Representative :

Respondents : The Leaseholders

Objecting Respondents : George and Susan Collier – flat 12
Trevor Brian Holmes (in part) – flat 3

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

Tribunal Member : Regional Judge Whitney
Mr C Davies FRICS

Date of hearing : 9 April 2026

Date of decision : 21 May 2026

DECISION

Background

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act. The application was received on 19 January 2026.
2. Directions were issued on 28 January 2026 setting a timetable for the exchange of documents preparatory to a determination on the papers.
3. The Directions required the Respondents to complete a reply form by 10 February 2026 to confirm any objections to the application.
4. The Tribunal has received reply forms returned from the Leaseholders of flats 2, 4, 5, 6, 8, 9, 10, 11, 14 and 15 confirming their agreement to the application.
5. The leaseholder of flat 3 has objected in part to the application outlined in the attachment to his email dated 9 February 2026.
6. The leaseholders of flat 12 have returned the reply form along with their objections to the application dated 4 February 2026.
7. Those leaseholders who have not sent a reply form are assumed to have no objection to the application.
8. The Tribunal determined that a hearing is necessary.

Hearing

9. The hearing took place remotely by video. An electronic hearing bundle was supplied by the Applicant. References in [] are to the pdf pages of the bundle.
10. The hearing was recorded.
11. Mr Burnett & Mr Brooker represented the Applicant as directors of the Company. Mr Collier appeared for Flat 12. Mr Robinson joined part way through the hearing to represent Mr Holmes, Flat 3.
12. The Applicant's explained that the RTM company had taken over the management of the Property in September 2023. In November 2024 an issue arose as there was damage to a wall at the rear. The directors of the freehold company (whose directors are Mr Homes and Mr Robinson) were approached by a Mr Skipper who was a surveyor originally appointed by the owner of adjoining properties (Ascot Close and Ludlow Court) who suggested the wall was a Party Wall.

13. The total cost of wall works was supposedly in the region of £184,000. St Johns Limited, the freeholder entered into a Party Wall Agreement although no copy was provided. Subsequently a claim was made by St Johns Limited to recover the costs.
14. It was agreed the works had been completed to the wall. St Johns Limited was billed a proportionate part for the party wall at the Property as the total wall works were for substantially more. Mr Robinson suggested that the freeholder and Mr Skipper had tried to involve the Applicant company but they had not done so.
15. The objecting leaseholders also relied upon their written objections.

Decision

16. The Tribunal grants dispensation from the requirements to consult in respect of works undertaken to the party wall to the rear of the Property.
17. In so finding we remind all parties that we are making no determination as to whether or not leaseholders are liable for any costs incurred or whether the costs of such work are reasonable. In reaching our decision we have had regard to the leading authority of *Daejan Investments Limited (Appellant) v Benson and others (Respondents) UKSC/2011/0057*.
18. The circumstances are unusual in that whilst there is an RTM company running the Property it appears it was the freehold company who engaged with Mr Skipper, the surveyor for the adjoining properties.
19. We have considered the objection of Mr Holmes [55]. We note he is a director of the freehold company as well as a leaseholder. His objection appears to relate to what he describes as the Applicant's failure to engage with Mr Skipper. He refers to professional and legal fees which it would appear are not part of this application. We are not satisfied that anything within his objection amounts to prejudice. If such sums are claimed as service charges from leaseholders (and it is not clear at this stage if that will be the case) then he can challenge his liability to pay as a leaseholder and the reasonableness of the same.
20. The second objector is Mr and Mrs Collier the leaseholders of Flat 12 [66 & 67]. In brief their objection appears to be to the process adopted and that as a result they were denied an opportunity to comment or consider the estimates and contractors used. Having regard to the evidence as a whole we are not satisfied that the objector has demonstrated any prejudice. Again we are satisfied that the leaseholders may if they so choose challenge the liability to pay and the reasonableness of the charges.

21. In saying the above we note everyone appears now to accept that the wall had collapsed and was shared with the adjoining properties. Plainly works were required although we have not seen all of the correspondence with Mr Skipper or how matters progressed. Standing back we are satisfied that this is a case where we should grant dispensation in respect of the strict consultation requirements. A need for works, co-ordinated with other properties was necessary. In so finding we make no findings as to any parties liability to pay or the reasonableness of the costs of the works themselves or any professional fees incurred.

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 by email to rpsouthern@justice.gov.uk
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.
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.