



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

<b>Case Reference</b>	: HAV/21UG/LDC/2026/0039
<b>Property</b>	: Hailsham Court, Marina, Bexhill on Sea, East Sussex, TN40 1DL
<b>Applicant</b>	: Hailsham Court Limited
<b>Representative</b>	: Oakfield PM Limited
<b>Respondent</b>	: Flats 1 – 10 Hailsham Court
<b>Representative</b>	: None
<b>Type of Application</b>	: To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985
<b>Tribunal</b>	: Tribunal Judge H Lederman
<b>Date of Decision</b>	: 23 April 2026

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**DECISION AND REASONS**

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## **Description of determination**

This has been a determination on the papers. A face-to-face hearing was not held because all issues could be determined on paper and no hearing was requested. The documents comprise an unpaginated bundle of some 31 pages from the Applicant. It includes the application form, letters sent from and to the leaseholders regarding the application, tribunal directions, and a copy of a specimen lease. The contents of all these documents are noted.

The order made is described below.

## **Decision of the tribunal**

- (1) The Tribunal determines under section 20ZA of the Landlord and Tenant Act 1985 to dispense with all the consultation requirements in respect of works for replacement of suspension ropes in lifts servicing Flats 3-10 of Hailsham Court, Marina, Bexhill on Sea, East Sussex, TN40 1DL (“the property”).
- (2) The Applicant shall send and deliver to each of the Respondents a copy of this decision within 7 days of receipt.

## **REASONS**

### **The application**

1. The applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985, as amended (“the 1985 Act”) for the dispensation of consultation requirements in respect of certain “qualifying works” (within the meaning of section 20ZA).
2. The applicant is the landlord of Hailsham Court, Marina, Bexhill on Sea, East Sussex, TN40 1DL (“the property”). This application has been served upon the leaseholders of all 10 Flats at the property, although it appears from the specimen lease that only 8 out of the 10 flats contribute directly to the cost of maintaining and insuring the lifts serving the upper floors at the property.

### **Background**

3. 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 4 March 2026.
4. The Property is described as a purpose built brick building with 5 floors and 10 flats, 2 flats on each level, dated from 1940s.
5. The Respondents in Flats 3 – 10 Hailsham court are the leaseholders of the flats in the property who are potentially responsible for the cost of

the proposed works to the lift suspension ropes under the terms of their lease. The qualifying works are described in the application as

“...WORKS TO REPLACE THE SUSPENSION ROPES IN THE COMMUNAL LIFT SERVICING FLATS 3-10. THIS WAS HIGHLIGHTED ON THE RECENT LIFT INSURNACE (sic) INSPECTION. AS THIS WAS RAISED AS A SERIOUS DEFECT, IT RAISES CONCERN FOR THE SAFETY OF THE RESIDENTS WHO THE LIFT SERVICES. WE OBTAINED A SECOND QUOTE FOR THE WORKS HOWEVER, THE CLIENT IN THE END DECIDED TO GO WITH THE LIFT COMPANY WHO SERVICE THE LIFT WHICH HAS BEEN INSTRUCTED AND DUE TO BE COMPLETED THIS WEEK THURSDAY 5<sup>TH</sup> MARCH.”

NO CONSULTATION HAS BEEN COMPELTED - COMMUNICATION HOWEVER HAS BEEN SENT TO THE RESIDENTS INFORMING THEM OF THE DEFECT AND THE WORKS NEEDED TO THE LIFT.

IT WAS RAISED THAT THE LIFT HAS A SERIOUS DEFECT AS THE SUSPENSION ROPES ARE SEVERLY WORN AND HIGHLIGHTED TO BE REPLACED WITHIN THE NEXT MONTH. HOWEVER, THE COSTS OF THE WORKS EXCEEDS THE LEGAL THRESHOLD OF THE PROPERTY PARTICULARLY FOR THOSE FLATS THAT CONTRIBUTE TOWARDS THE LIFT MAINTENACE SCHEDULE. WE SEEK DISPENSATION TO ALLOW THE WORKS TO BE COMPLETED TO ENSURE THAT THE LIFT REMAINS SAFE FOR THOSE WHO USE IT. “

6. The works were due to commence on 5<sup>th</sup> March 2026. The application is therefore retrospective in nature but it is also possible that some of the works have not been completed. By virtue of sections 20 and 20ZA of the 1985 Act, any relevant contributions of the Respondents through the service charge towards the costs of these works would be limited to a fixed sum (currently £250) unless the statutory consultation requirements, prescribed by the Service Charges (Consultation etc) (England) Regulations 2003 were: (a) complied with; or (b) dispensed with by the tribunal. In this application the only issue is whether it is reasonable to dispense with the consultation requirements. Any issue as to the cost of the works may be the subject of a future application by the landlord or leaseholders under section 27A of the 1985 Act to determine the payability of any service charge under their leases.

### **The law**

7. Section 20ZA of the 1985 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.'

8. In the case of *Daejan Investments 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'.

### **Paper determination**

9. The application was received on 4<sup>th</sup> March 2026. Directions were issued by the Tribunal on 18 March 2026. The Tribunal directed the application and accompanying documents shall stand as the Applicant's case.
10. The Tribunal sent a copy of the application and these Directions to each Respondent.
11. The Respondents were directed to complete a reply form and send it to the Tribunal (electronically) and to the Applicant and send other documents (including a statement in response to the application with a copy of their reply form and copies of documents relied upon) if they opposed the application by 31 March 2026.
12. No substantive response or objection has been submitted by the Respondents who have taken no active part in this application. the Respondents who replied confirm they were happy for Oakfield Property to represent their interests
13. Oakfield Property on behalf of the Applicant sent an email to the Tribunal confirming no objection had been received from the Respondents on 9<sup>th</sup> April 2026.
14. The Tribunal's directions included the following passage stating "the Tribunal will assume that those Respondents not returning the attached form and those agreeing to the application do not wish to receive any further communications from the Tribunal including a copy of the determination unless a specific request is made. The determination will, however, be binding on all leaseholders." That must be taken to refer to all leaseholders not just those who contribute directly to the lift cost through service charge.

### **Paper determination**

15. The Tribunal's directions provided that the Tribunal would determine the application based on written representations unless either party objected in writing within 7 days of receipt of the directions. No such request was received. Therefore, this application has been determined by

the Tribunal on the information supplied by the applicant. The Tribunal is satisfied that such a course is consistent with the overriding objective and in the interests of justice having regard to the available evidence provided by the Applicant.

### **Consideration**

16. The Tribunal has the jurisdiction to grant dispensation under section 20ZA of the 1985 Act “if satisfied that it is reasonable to dispense with the requirements”.
17. The tribunal has seen a Quotation dated 6th February 2026 from Ioan Lift services for various works including renewal of suspension ropes and an Estimate from Hiwire Lift services dated 19 January 2026 for replacement of suspension ropes and associated works.
18. In the absence of any objections or submissions from the Respondents, the Tribunal has no reason to question the need and urgency of the works to the list suspension ropes. The works would be required to comply with statutory responsibilities for lifts and I to comply with insurer’s requirements. As none of the Respondents have raised objection to the works, the Tribunal finds no evidence that they would suffer prejudice if dispensation were to be granted.

### **The Tribunal’s decision**

19. In the circumstances set out above, the Tribunal considers it reasonable to dispense with the consultation requirements. Accordingly, dispensation is granted pursuant to section 20ZA of the 1985 Act. This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A of the Act as to the reasonableness of the work and/or whether any service charge costs are reasonable and payable. There is no application before the Tribunal for an order under section 20C (limiting the ability of the landlord to seek their costs of the dispensation application as part of the service charge). This could be the subject of a future application should any costs be charged to the leaseholders.
20. It is the responsibility of the Applicant to serve a copy of this decision on all Respondents.

**Name: Judge H Lederman**

**Date: 7<sup>th</sup> May 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).