



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

Case reference : **BIR/00CN/LDC/2026/0003**

Properties : **25, 27, 29, and 31 College Farm Drive,
and 2, 4, 6, and 8 Wiseman Grove,
Sutton St Marys, New Oscott
Birmingham B23 5YE**

Applicant : **Holding and Management (Solitaire)
Limited**

Representative : **JB Leitch Ltd**

Respondents : **The parties listed in the Schedule**

Representatives : **None**

Type of application : **An application under section 20ZA of
the Landlord and Tenant Act 1985 for
the dispensation of the consultation
requirements in respect of qualifying
works**

Tribunal member : **Judge C Goodall**

**Date and place of
hearing** : **Paper determination**

Date of decision : **19 June 2026**

DECISION

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Background

1. The Applicant is the freehold owner of land on which are situated eight flats, being 25, 27, 29, and 31 College Farm Drive, and 2, 4, 6, and 8 Wiseman Grove, Sutton St Marys, New Oscott Birmingham B23 5YE (“the Properties”).
2. Following a complaint from a lessee, in November 2024 the Applicant commissioned a report into the drainage system at the Properties. The report disclosed problems. A CCTV inspection via the manhole at the rear of the Properties had found an open joint at 6.4m, a longitudinal fracture at 8.57m, multiple fractures at 10.45m, a broken drain pipe at 10.69m, and multiple cracks at 10.81m.
3. Further investigations suggested that pipe repair was not feasible and the pipework system would need to be fully replaced.
4. Works were carried out on 14 November 2025 to line the entire pipework system, at a cost of £3,726.00. Those works are described in this decision as the Works. They are more fully set out in the Applicant’s statement of case dated 10 December 2025 and its Supplemental undated Statement of Case provided to the Tribunal on 17 March 2026.
5. The Applicant has applied for a decision by this Tribunal that it may dispense with the consultation requirements contained in section 20 of the Landlord and Tenant Act 1985 (“the Act”) and the Service Charges (Consultation Requirements) (England) Regulations 2003 in respect of the Works. These legal provisions are explained in more detail below.
6. Unless there is full compliance with the consultation requirements, or a dispensation application is granted, the Applicant is prevented by law from recovering more than £250.00 from each Respondent in respect of the cost of the Works. Hence the Application.
7. Directions were issued on 19 January 2026 requiring the Applicant to serve all the Respondents with a copy of the Applicant’s Statement of Case containing full details of the Works. Further Directions were issued on 20 April 2026 requiring the Applicant to serve the Supplemental Statement of Case on the Respondents together with a further response form to allow any Respondent to raise any objection to the Application.
8. The Respondents were therefore all given an opportunity to respond to the Application and make their views known as to whether the Tribunal should grant it. None have responded.
9. The Application has been referred to the Tribunal for determination. This is the decision on the Application.

Law

10. The Landlord and Tenant Act 1985 (as amended) imposes statutory controls over the amount of service charges that can be charged to long leaseholders. If a service charge is a “relevant cost” under section 18, then the costs incurred can only be taken into account in the service charge if they are reasonably incurred or works carried out are of a reasonable standard (section 19). An application can be made to the Tribunal to determine whether section 19 has been complied with, under section 27A.
11. Section 20 imposes an additional control. It limits the leaseholder’s contribution towards a service charge to £250 for works, unless “consultation requirements” have been either complied with or dispensed with. There are thus two options for a person seeking to collect a service charge for works on the building or other premises costing more than £250. The two options are: comply with “consultation requirements” or obtain dispensation from them. Either option is available.
12. To comply with consultation requirements a person collecting a service charge has to follow procedures set out in the Service Charges (Consultation Requirements) (England) Regulations 2003 (see section 20ZA(4)).
13. To obtain dispensation, an application has to be made to this Tribunal. We may grant it if we are satisfied that it is reasonable to dispense with the consultation requirements (section 20ZA(1) of the Act).
14. The Tribunal’s role in an application under section 20ZA is therefore not to decide whether it would be reasonable to carry out the works, but to decide whether it would be reasonable to dispense with the consultation requirements.
15. The Supreme Court case of *Daejan Investments Ltd v Benson* [2013] UKSC 14; [2013] 1 WLR 854 (hereafter *Daejan*) sets out the current authoritative jurisprudence on section 20ZA. This case is binding on the Tribunal. *Daejan* requires the Tribunal to focus on the extent to which the leaseholders would be prejudiced if the landlord did not consult under the consultation regulations. It is for the landlord to satisfy the Tribunal that it is reasonable to dispense with the consultation requirements; if so, it is for the leaseholders to establish that there is some relevant prejudice which they would or might suffer, and for the landlord then to rebut that case.

The Application

16. The Applicant’s Statement of Case sets out the facts that I have identified in paragraphs 2 – 4 above. The Application is for dispensation from consultation in respect of the Works.
17. No Respondent has objected to the Application.

Discussion and decision

18. The Tribunal accepts that it is reasonable to apply for dispensation. The grant of dispensation is likely to be administratively more efficient, at a lower cost, and obtained more speedily than carrying out the processes of full compliance with section 20 of the Act.
19. As no Respondent has raised any objection to the grant of dispensation, it appears to the Tribunal that none have suffered or are likely to suffer any prejudice as a result of the grant of the Application.
20. The Tribunal **determines** that the Application is granted. The Respondent may dispense with the consultation requirements contained in section 20 of the Act in respect of the carrying out of the Works.
21. This decision does not operate as a determination that any costs charged to any Respondent for the costs of the Works are or would be reasonably incurred. They may well have been, but that is an entirely different issue, and Respondents remain at liberty to challenge such costs under section 27A of the Act in the future should they wish.

Appeal

22. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Judge C Goodall
Chair
First-tier Tribunal (Property Chamber)

Schedule of Respondents

1. Miss A I Watson
2. Mr R T Ward & Mrs S P Ward
3. Mr & Mrs Roberts
4. Mr C J Slater
5. Mr & Mrs H Erfan
6. Edward Chapman
7. Mr C P Richardson
8. Ms S E Hutchings