



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/36UF/LDC/2026/0016

Property : 1-7 Chiltern Place, Newgate, Malton,
YO17 7FU

Applicant : Chiltern Place (Malton)
Management Company Limited

Applicant's : Pure Block Management Ltd
representative

Respondents : The Residential Long Leaseholders

Type of Application : Section 20ZA Landlord & Tenant Act
1985

Tribunal Members : Judge S Wickham
Mr A Davis (Valuer Member)

Date : 11 June 2026

DECISION

1. The Tribunal grants dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 under section 20ZA of that Act in respect of the qualifying works to the roof at the Property.

REASONS

The Application

1. In their application dated 20 February 2026, the Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the Act") for dispensation from consultation in respect of works to the roof at the Property.
2. The Service Charge (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any leaseholder exceeding £250. If the consultation procedure is not followed, each leaseholder's contribution to the cost is limited to £250. The cost of the works of the subject application exceeds this threshold.
3. By directions dated 9 April 2026 ("the Directions"), the Tribunal directed the Applicant to provide a bundle of documents to the Tribunal consisting of i) a copy of the application form ii) a full statement of case explaining why the application has been made; iii) any correspondence sent to the leaseholders in relation to the works; iv) detailed reasons for any urgency of the works and the consequences upon lessees of any delay; v) any quotes or estimates for the proposed works and relevant reports (including full details of attempts made by the Applicant to obtain quotes or estimates); and vi) copies of any other documents the Applicant seeks to rely on. The Tribunal also directed the Applicant to send each of the Respondents a copy of the Tribunal bundle. The Applicant provided to the Tribunal a certificate of service dated 13 April 2026 confirming a copy of the Tribunal bundle had been served on each of the Respondents.
4. The Directions required any Respondent who opposed the application, to send to the Applicant and the Tribunal, any statement they wish to make in response to the Applicant's case. The Tribunal has received no such statements or replies from the Respondents.
5. The Directions provided that the Tribunal would decide the matter on the basis of written submissions and without an inspection of the Property unless any party requested a hearing and/or an inspection. No such request has been made.

The Applicant's case

6. The Property is a building comprising of six residential flats and one commercial property. The Applicant is the current landlord and freehold

owner of the Property. The application is made on behalf of the Applicant by the Applicant's Representative.

7. The Respondent's leases are on similar terms, and one sample has been provided to the Tribunal. The lease requires the "Management Company" to "perform the Services". The "Services" are listed in Schedule 4 and include "...repairing...and keeping the Common Parts ...in good and substantial repair, order and condition..." The "Common Parts" are defined to include the roof of the Property.
8. In its application, the Applicant explained that the roof at the Property has suffered significant deterioration, with extensive water ingress reported in late 2025. The Applicant submitted that an investigation of the roof revealed damage to tiles, together with a recommendation that the existing valley stems be replaced and that the timber elements of the roof be repaired. The Applicant further submitted that the works to the roof were urgent, as contractors advised that there was a risk of further damage, including to the structure of the Property, resulting in a health and safety risk to residents. The Applicant's case is that the works were of an urgent nature due to this risk, and that the cost of repairs could increase if delayed. The Applicant instructed Taylor & Sons Roofing to carry out the roof works, and a copy of this quotation was provided to the Tribunal. Evidence of an alternative price was also obtained by way of a quotation dated 12 January 2026 from Xtreme Elite Roofing. The Applicant provided evidence that it had notified the Respondents of the nature of the works and the shorter tender process it had conducted by way of a letter dated 16 February 2026.

The Respondent's case

9. No Respondents objected to the application.

Determination and Reasons

10. Section 20ZA of the Act provides:

"Where an application is made to the appropriate 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."

11. The whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the Tribunal is satisfied that it is reasonable for them to be dispensed with.
12. The Tribunal has taken account of the Supreme Court decision in *Daejan Investments Limited v Benson and others* [2013] UKSC 14, in which Lord Neuberger, in summary, said that the tribunal should focus on the extent, if any, to which the tenants were prejudiced in either paying for

inappropriate works or paying more than would be appropriate as a result of the failure by the landlord to comply with the regulations. He described such prejudice (paragraph 65 of his judgment) as a disadvantage “*which they would not have suffered if the requirements had been fully complied with, but which they will suffer if unconditional dispensation were granted*”. It is for the leaseholders to show that they have been prejudiced, and it “*does not appear onerous to suggest that the tenants have an obligation to identify what they would have said [by way of representations in response to a section 20 consultation], given that their complaint is that they have been deprived of the opportunity to say it*” (at paragraph 69 of the judgement).

13. There is no evidence before the Tribunal that the Respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements in relation to the works to the roof. The Tribunal notes, in particular, the Applicant’s reasons for making the application as detailed at paragraph 8 above, including the fact it had obtained a higher alternative quote. It is also noted that the Respondents have raised no objections to the application.
14. The Tribunal is therefore satisfied that it is reasonable to grant dispensation with all or any of the consultation requirements set out in section 20 of the Act in respect of the works to the roof undertaken at the Property.
15. This decision does not affect the Tribunal’s jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or the cost of the works.

Name: Judge S Wickham

Date: 11 June 2026

ANNEX – RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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 being within the time limit.

4. 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.