



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

Case Reference : **BIR/00CR/LDC/2025/0018**

Property : **Premises 93-123 (Odds Only) Lyde Green
Halesowen Birmingham B63 2PS**

Applicant : **93-123 Lyde Green Halesowen RTM Company
Limited**

Representative : **Lambert Smith Hampton Residential
Ltd (Ref: Sumbal Zaman)**

Respondents 1 : **The long leaseholders of 93-123 (Odds Only)
Lyde Green as set out in the attached schedule.**

Respondent 2 : **Sinclair Gardens Investments (Kensington)
Limited**

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

Tribunal : **Tribunal Judge P.J. Ellis
Tribunal Member Mr A Churchill BSc, MRICS**

Date of Hearing : **2 June 2026**

Date of Decision : **27 July 2026**

Decision

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***The Tribunal dispenses with the obligation to carry out consultation
with the leaseholders of in respect of remedial work of a significant roof***

leak on the following conditions; within 14 days of the date of this Decision the Applicant will:

- a. Give full particulars of the work required to remedy the roof leak causing or permitting the ingress of water***
- b. The cost of the work***
- c. When the work was completed***
- d. Particulars of any response given by any of the Respondents***

Introduction and Background

- 1 This is an application for dispensation from the consultation requirements of s20 Landlord and Tenant Act 1985 (the 1985 Act). The Applicant is 93-123 Lyde Green Halesowen RTM Company Limited represented by its agent's Lambert Smith Hampton Residential Limited. The Respondents are listed in the schedule attached.
2. The justification for the application provided by the Applicant is as follows:
 - a. *The Applicant seeks dispensation on the basis that there is a roof leak which causes water ingress when it rains. There is a risk to the health and safety of residents as a result of this.*
 - b. *To preserve the building and ensure that there is no further damage done, both externally and internally.*
 - c. *Further details are contained within the application form.*
3. Directions were first issued on 4 December 2025 but as they were not served Directions in substantially the same terms were issued on 3 March 2023.
4. The Directions required the Applicant to serve a copy of the application, the Directions, and any other relevant documents on the leaseholders and giving directions to the leaseholders to complete an attached form

indicating whether they agreed with the application or opposed it with their reasons for so doing.

5. In addition, the Applicant should serve:
 - a. A statement setting out the justification for the dispensation application.
 - b. Copies of any invoices or reports relating to the works with an indication of the likely cost per leaseholder.
 - c. Any other relevant documents.
6. On 11 March 2026 the agent confirmed that the documents listed within that particular direction were sent to the Respondents on the 10th March 2026.
7. The Tribunal has not received any response from the Respondents. The Applicant's agent has not served any more information than that set out in the application form particularly the agent has not provided invoices or reports relating to the works.

The Property and the Lease

8. The property is described briefly in the application as a purpose built three storey brick construction building, with a pitched tiled roof, Approximate year of construction 2005
9. The lease of the property is for 99 years from 29 September 1973. By clause 3 the lessor covenants with the lessee to observe and perform the obligations in the sixth schedule which requires at clause 4(i)(c) to maintain, repair and renew the main structure and the structural parts of the property are defined to include roofs.

Discussion and Decision

10. The Tribunal must be satisfied under s20ZA of the Act that it is reasonable to dispense with consultation requirements having regard to the decision of the Supreme Court in *Daejan Investments Ltd v Benson and others*

[2013] UKSC 14 (“*Daejan*”) and its guidance to the Tribunal that in considering dispensation requests, it should focus on whether tenants are prejudiced by the lack of consultation required section 20.

11. The Tribunal is satisfied the leaseholders will not suffer any prejudice by the grant of dispensation of consultation requirements. Whereas urgency of itself is not sufficient although it may be one of the facts giving rise to an application for dispensation if there is no prejudice to the tenant arising from the failure to properly consult it is impossible to see any reason why dispensation is not given as held by HHJ Cook in *RM Residential v Westcare* [2024]UKUT 56(LC).
12. In this case the Tribunal does not consider the failure to consult has caused any prejudice to the lessees. The ingress of water was a serious matter to the occupiers of affected apartments. There was no challenge to the application. The Tribunal is willing to assume the relevant leaseholders expected the landlord to carry out remedial work as required by the lease.
13. Further, as stated in the Directions this decision does not restrict the leaseholders’ entitlement to challenge consequential costs and charges under s27A Landlord and Tenant Act 1985. Moreover, the proposed works are for the benefit of the leaseholders.
14. However, as the Applicant has not given particulars of the work for which dispensation is required, the Tribunal dispenses with the obligation to carry out consultation with the leaseholders in respect of remedial work of a significant roof leak on the following conditions. Within 14 days of the date of this Decision the Applicant will:
 - a. Give full particulars of the work required to remedy the roof leak causing or permitting the ingress of water,
 - b. The cost of the work,
 - c. When the work was completed,
 - d. Particulars of any response given by any of the Respondents.

- e. Copies of the information provided to the leaseholders (1 example copy, not all 16).

Appeal

15. If either party is dissatisfied with this decision, they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties and must state the grounds on which they intend to rely in the appeal.

Judge P.J. Ellis

Schedule

Leaseholders – 93-123 Lyde Green, Halesowen B63 2PS

Mrs J Briggs **No 93**

David Aaln Gardner **No 95** - *correspondence address 11 Tower Drive, Bromsgrove B61 0TZ*

Janet Yvonne Littlewood **No 97** - *correspondence address Ingleboro, Berry Lane, Upton Warren, Bromsgrove B61 9EL*

Awais Adris **No 99**

Ms Thomas **No 101** - *correspondence address 116 Lalebrick Road, Moove, Dudley Wood PL9 9RP*

Mr Palmer **No 103**

Mr Grainger **No 105**

Ms Gibbs **No 107**

Andrew Powell **No 109** - *correspondence address c/o GSEA Accounts Dept., 36 Holbeache Road, Wall Heath, Kingswinford DY6 0HE*

Mr Bennett **No 111**

David Foxall **No 113**

John J Stevens **No 115**

Mr Morris **No 117** - *correspondence address 29 Pearce Close, Dudley DY1 2LX*

SMJB Properties **No 119** - *correspondence address 13 Carters Lane, Halesowen B62 0DH*

Gurdev Sahota **No 121**

John M Higgs & Lynne Higgs **No 123** - *correspondence address 74 Kidderminster Road, Hagley, Stourbridge DY9 0QL*