



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

Case Reference : HAV/24UP/LDC/2026/0023

Property : Flats 1-11 Kenilworth Court, Northlands Drive,
Winchester, SO23 7AU

Applicant : The Locker Foundation

Representative : Proxim Property Management Ltd

Respondents : The leaseholders of 1-11 Kenilworth Court

Representative : None.

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

Tribunal Members : Mr M E Williams FRICS
Mr A Hetherton MRICS IRRV (Hons)

Date of Decision : 16 July 2026

DECISION

The Decision

- 1. The Tribunal grants the application for dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the partial roof replacement undertaken in January 2026.**
- 2. The dispensation is granted subject to the following condition:**
- 3. The Applicant shall place a copy of this decision on its website (if any) within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link on its home page. It should also be posted in a prominent position in the communal areas. In this way, any leaseholder who has not returned the reply form may view the Tribunal’s decision on dispensation and their appeal rights.**
- 4. This dispensation does not affect the Tribunal’s jurisdiction upon any future application from the leaseholders to make a determination under section 27A of the 1985 Act, in respect of the reasonableness and/or cost(s) associated with the qualifying works.**

Background and the Application

5. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) for dispensation from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the works detailed below.
6. The application is dated 10 February 2026.
7. The property is described as:

‘Purpose built block of 11 flats constructed circa 1967 of brick elevations under a concrete tiled pitched roof. Most flats have 2 bedrooms with some only a single bedroom.’
8. The Applicant provides a description of the qualifying works, which states the following:

‘Partial roof replacement works (stripping, re-felting & new tiles) to front slope over Flat 10 Kenilworth Court and re-lining of valley gutter between roof slopes of the block.
Works were started on 9th January 2026 and completed on 23rd January 2026.’

9. The Applicant sets out what consultation it has undertaken in its application stating:

‘No formal consultation [sic] took place owing to the water ingress affecting Flat 10.
A letter was sent to all flat owners on 23rd December 2025 explaining the situation and that dispensation from consultation would be sought.’
10. The Applicant states the following as the reasons why it is seeking dispensation of all or any of the consultation requirements:

‘Works to the roof were urgent, owing to the water ingress affecting Flat 10, and to delay whilst undergoing the formal consultation process would have led to further damage within the flat as well as distress to the tenant and the flat owner.’
11. The Tribunal gave Directions (‘the Directions’) on the 13 May 2026 listing the steps to be taken by the parties in preparation for the determination of the application.
12. The Directions, at paragraph 11, stated the Tribunal would determine the application on the papers without a hearing in accordance with Rule 31 of the Tribunal Procedure Rules 2013 unless a party objected in writing to the Tribunal within 14 days of the receipt of these Directions.
13. **The only issue for the Tribunal is whether or not it is reasonable for the Applicant to have dispensed with the statutory consultation requirements. This application is neither about the costs of the works carried out to date, nor is it about the costs of the proposed works and whether they are recoverable from the leaseholders as service charges, nor the possible application or effect of the Building Safety Act 2022. The leaseholders have the right to make a separate application to the Tribunal under section 27A of the 1985 Act to determine the reasonableness of the costs, and their respective contributions payable through the service charge provisions in their leases.**

The Law

14. Section 20 of the 1985 Act and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease per 12 month period, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum per annum unless the required consultation processes have been undertaken or the requirement has been dispensed with by the Tribunal. An application to the Tribunal may be made retrospectively.
15. The relevant section of the 1985 Act reads as follows:

S.20 ZA (1) Consultation requirements: supplementary

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.

16. In *Daejan Investments Limited 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”*.
17. Furthermore, and following *Daejan v Benson*, the Tribunal has power to grant dispensation on terms.

Consideration and Decision

18. The Tribunal first considered whether it felt able to decide this application reasonably and fairly based on the papers submitted only, with no oral hearing. Having read and considered the papers and given that the application remained unchallenged the Tribunal decided it could do so.
19. The Directions of 13 May 2026 state, at paragraph 15, ‘The application shall stand as the Applicant’s case’.
20. In its application, the Applicant states the case is appropriate to be dealt with without a hearing (a paper determination).
21. The Directions attached a reply form for the Respondents with a date for it to have been completed and to have been returned by to the Applicant to confirm whether the Respondents: (1) agreed with the application, or not; and (2) similarly agreed the Tribunal may decide the matter on the basis of written representations only (no hearing), or not.
22. The Directions include provisions in the event the Respondents oppose the application.
23. Thereafter the Directions give the date by which the Applicant is to confirm to the Tribunal that no objections have been received from the Respondents, if applicable, being 9 June 2026.
24. The Tribunal received no responses from the leaseholders. The Applicant by email dated 9 June 2026 confirmed that they had received no objections.
25. The bundle includes a copy of the lease for Flat No. 8 and garages 1 & 2 Kenilworth Court. The lease commences on 25 March 1972 for a term of 99 years.

26. Clause 4 of the lease states the following:

‘THE Lessor Hereby Covenants with the Lessee as follows:-

(1) Subject to the Lessee contributing a due proportion of the cost. Thereof as hereinbefore provided :-

(a) To repair and maintain and keep in repair and maintained the retained premises ... the main structure of the block and the roofs and all external parts’

27. The reasons why dispensation from the consultation requirements of the 1985 Act is sought by the Applicant is:

‘Works to the roof were urgent, owing to the water ingress affecting Flat 10, and to delay whilst undergoing the formal consultation process would have led to further damage within the flat as well as distress to the tenant and the flat owner. .’

28. The Applicant wrote to the leaseholders on 23rd December 2025 explaining the situation regarding the works stating that the works would be carried out and dispensation sought, rather than a formal consultation.

29. The Tribunal notes the application is rather scant on details and supporting evidence. Given that works had been completed at the time of the application and letter of the 23rd December 2025 sent, a copy of the letter and some photographs of the works (before and after) along with contractors comments / invoices would have been appreciated.

30. The Tribunal finds that nothing different would be done or achieved in the event of a full consultation with the Lessees, the roof works were urgent and time would not allow for a full consultation, without leading to further water ingress and damage.

31. The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.

32. Taking all the above into consideration and no objections to the application having been received from the respondents, coupled with none of the same having asserted that any prejudice would be caused to them, the Tribunal consequently finds that it is reasonable for the Applicant to have dispensed with the consultation requirements under the 1985 Act relating solely to the works described in paragraph 8 above.

33. Thus, the Tribunal grants the application from The Locker Foundation dated 10 February 2026 for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same.

34. The dispensation is granted subject to the following condition:

35. The Applicant shall place a copy of this decision on its website (if any) within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link to it on its home page. It should also be posted in a prominent position in the communal areas. In this way, any leaseholder who has not returned the reply form may view the Tribunal's decision on dispensation and their appeal rights.

RIGHTS OF APPEAL

36. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case. All communications must clearly state the Case Number and the address(s) of the premises.
37. 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.
38. If the person wishing to appeal does not comply with the 28 days' 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 days' time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
39. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal and state the result the party making the application is seeking.