



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

Case Reference	: HAV/43UJ/LDC/2026/0100
Property	: Florence & Tuscany Villas, 108/110 Guildford Road, Lightwater, Surrey, GU18 5RP
Applicant	: Guildford Road (Lightwater) Management Limited
Representative	: Neelam Khan B-Hive Property Solutions
Respondent	: The leaseholders
Representative	: ---
Type of Application	: To dispense with the requirement to consult lessees about major works section 20ZA of the Landlord and Tenant Act 1985
Tribunal Member	: Tribunal Judge P Pattni-Evans
Date of Decision	: 06 August 2026 Amended 10 August 2026

Slip Rule Amended DECISION

Summary of the Decision

- (A) The Applicant is granted 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 for additional roof works to the front elevation only.**
- (B) The Tribunal has made no determination on whether the costs of the works are reasonable or payable.**
- (C) The Tribunal gives reasons for the decision below.**

The Application

1. The Applicant applied under Section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) for dispensation from consultation requirements imposed by Section 20 of the Act.
2. The application was received on 4 June 2026. The Tribunal gave Directions on 11 June 2026, explaining that the only issue for the Tribunal is whether, or not, it is reasonable to dispense with the statutory consultation requirements, and not the question of whether any service charge costs are reasonable or payable. The Directions Order listed the steps to be taken by the parties in preparation for the determination of the dispute, if any.
3. The Directions further stated that the Tribunal would determine the application on the papers received unless a party objected in writing to the Tribunal. No objections were received. Having considered the application further and prior to undertaking this determination, the Tribunal is satisfied that a determination on the papers remains appropriate.

Scope of the Works

4. The Applicant explains that:

Works had been carried out to the roof previously however there is still water ingress as the surveyor has reported the following. The surveyor has now obtained a further quote for these additional works required to make the roof water tight as there as still leaks into the flats.

I have reviewed the email from Langdon and the Trace Surveys report. There does seem to be a poor detail at the ridge tile position (between the flat and pitched roofs). In particular, the breathable felt is stopped part way up beneath the ridge tile when it should be continuous and carry up and over and be fully beneath the ridge tile. The current ridge tile detail will deal with normal rain but not wind driven rain.

a full S20 consultation has been carried out for the previous roof works which was instructed and carried out however further water ingress reports require a retrospective dispensation.

We are in the process of issuing the 1st S20 notice for the additional works required which is due to expire early July 2026.

Additional works required following the previous works to the roof carried out. The full funding of these works can be paid for from the reserve fund so no further funding is required from the leaseholders. The cost of these works total £5455 plus VAT for the front elevation works only. The quote is included in this pack

The Law

5. Section 20 of the Landlord and Tenant Act 1985 (“the Act”) and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum unless the required consultations have been undertaken or the requirement has been

dispensed with by the Tribunal. An application may be made retrospectively.

6. Section 20ZA provides that on an application to dispense with any or all of the consultation requirements, the Tribunal may make a determination granting such dispensation “if satisfied that it is reasonable to dispense with the requirements”.
7. The appropriate approach to be taken by the Tribunal in the exercise of its discretion was considered by the Supreme Court in the case of *Daejan Investment Limited v Benson et al* [2013] UKSC 14.
8. The leading judgment of Lord Neuberger explained that a tribunal should focus on the question of whether the lessee will be or had been prejudiced, either by paying where that was not appropriate or by paying more than appropriate because of the lessor’s failure to comply with the regulations. The requirements were held to give practical effect to those two objectives and were “a means to an end, not an end in themselves”.
9. The factual burden of demonstrating prejudice falls on the lessee. The lessee must identify what would have been said if able to engage in a consultation process. If the lessee advances a credible case for having been prejudiced, the lessor must rebut it. The Tribunal should be sympathetic to the lessee(s).
10. Where the extent, quality and cost of the works were in no way affected by the lessor’s failure to comply, Lord Neuberger said as follows:

“I find it hard to see why the dispensation should not be granted (at least in the absence of some very good reason): in such a case the tenants would be in precisely the position that the legislation intended them to be — i.e. as if the requirements had been complied with.”

11. The “main, indeed normally, the sole question”, as described by Lord Neuberger, for the Tribunal to determine is therefore whether, or not, the lessee will be or has been caused relevant prejudice by a failure of the Applicant to undertake the consultation prior to the major works and, if so, whether dispensation in respect of that should be granted.
12. The question is one of the reasonableness of dispensing with the process of consultation provided for in the Act, not one of the reasonableness of the charges for works arising or which have arisen. If dispensation is granted, it may be granted on terms.

Decision

13. The Tribunal notes that these appear to be residual works following major works carried out to the roof. The application explains that there remains an issue concerning the front elevation only where there is the junction between the tabletop flat roof and pitched roof area 12 meters to the front elevation only.
14. The Tribunal notes that the Applicant intends to utilise existing reserve fund costs so no additional costs will be incurred by the leaseholders. The Tribunal has also taken into account the fact that no party has objected to the application meaning no prejudice has been shown or identified by the leaseholders affected by the application.
15. **Accordingly, the Tribunal grants dispensation pursuant to Section 20ZA of the Act, ~~for major works required to the communal lift~~ for additional roof works to the front elevation only, subject to a condition that a copy of this Decision shall be served by the Applicant upon all leaseholders at the Property.**

16. For completeness, in making this determination, the Tribunal makes no findings as to the liability to pay or the reasonableness of the estimated costs of the works.
17. This application is not about the proposed costs of the works, whether they are recoverable from the leaseholders as service charges, or 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 Landlord and Tenant Act 1985 to determine the reasonableness of the costs and the contribution payable through the service charges.

RIGHTS OF APPEAL

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

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.

If the person wishing to appeal does not comply with the 28 day 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 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.