FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	**:**	**CAM/26UF/LDC/2026/0047**
Property	**:**	**49 and 50 Dugdale Court, Hitchin, Hertfordshire, SG5 2QS**
Applicant	**:**	**SetttleParadigm**
Respondent	**:**	**All leaseholders/tenants of dwellings who may be liable to contribute towards the relevant costs**
Type of application	**:**	**Application under s.20ZA of the Landlord and Tenant Act 1985 for the dispensation with the statutory consultation requirements**
Tribunal members	**:**	**Judge Alice Holtom**
Date of decision	**:**	**5 August 2026**

DECISION

Decision of the Tribunal

(1) The Tribunal dispenses unconditionally with the consultation requirements in respect of the qualifying works which are the subject of this application.

Reasons for the Decisions

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The Application

1. By application dated 20 May 2026, the Applicant sought dispensation from the statutory consultation requirements pursuant to section 20ZA of the Landlord and Tenant Act 1985.

2. Directions were issued on 12 June 2026 and were amended on 2 July 2026 following a change in ownership of one of the leasehold properties.

3. The amended directions required the Applicant, by 8 July 2026, to serve all leaseholders with the application documents (including the application, directions, a description of the works, estimated costs and supporting evidence) or, where a leaseholder website was maintained, to notify leaseholders of the application and make those documents available on the website. The Applicant was also required to display the relevant documents, or a copy of the notification letter and directions, in a prominent position within the common parts of the Property.

4. The directions further required the Applicant to confirm in writing to the Tribunal, no later than 8 July 2026, that those requirements had been complied with.

5. The directions further required any leaseholder who opposed the application to complete and return a reply form to the Tribunal by **22 July 2026**, together with a statement setting out their response to the application and copies of any documents upon which they intended to rely.

The Hearing

6. This has been a remote hearing on the papers. An oral hearing was not held because the Applicant confirmed that it would be content with a paper determination, the Respondents did not object and the Tribunal agrees that it is appropriate to determine the issues on the papers alone.

7. Neither party requested an inspection and the Tribunal did not consider that one was necessary, nor would it have been proportionate to the issues.

8. The Tribunal had before it an electronic bundle consisting of 18 pages and a paper bundle consisting of 22 pages ("the Bundle"), prepared by the Applicant.

The Background

9. The Landlord of the Property is SettleParadigm and Bethany Woods is a Section 20 Officer for SettleParadigm.

10. The Property comprises two residential dwellings.

11. The qualifying works that are the subject of this application consist of repairs to the roof. These works include the removal of approximately 40 square metres of interlocking roof tiles, together with the removal of the existing felt and battens to allow insulation to be installed around the wall plates. The works also include the installation of eaves protection and eaves ventilation trays, followed by the installation of new felt and battens and the reinstatement of the roof tiles at the eaves. In addition, the works involve the recementing of approximately four metres of verge tiles. The works required the hire and use of a cherry picker. The works have now been completed. The estimated cost of the works was £1,671.76.

The Applicant's case

12. Regarding the need for the works, the Applicant stated that the repairs were urgent because the roof was allowing water ingress into the leaseholder's dwellings. The Applicant also argued that dispensation should be granted, as carrying out the consultation process would cause delays and could lead to further deterioration of the properties.

13. The Applicant wrote to the leaseholders on 11 June 2026 to notify them that the repair had been completed and advising them of the work that had been done and the estimated costs of the work. The Applicant also advised the leaseholders of the Applicant's obligation under s.20 to consult leaseholders regarding qualifying works and that they intended to seek dispensation regarding this obligation due to the urgency of the works. The Applicant invited leaseholders to write to the Applicant should they wish to oppose the application or make observations.

14. On 24 June 2026 a further letter was sent by the Applicant to the leaseholders stating that should they wish to object to the application, they should submit any representations to the First-Tier Tribunal (Property Chamber) no later than 3 July 2026.

15. On 3 July 2026 the Applicant wrote to the leaseholders again to confirm that their application for dispensation for the consultation requirements had been issued, but that there had been a change in ownership of one of the leasehold properties within the Property. The Applicant provided the reply form and notified the leaseholders of the amended deadline to submit any objections of 22 July 2026.

Responses from the Respondents

16. The Bundle contains no submissions from the Respondents objecting to the application.

The relevant legal provisions

17. Under Section 20(1) of the 1985 Act, in relation to any qualifying works "*the relevant contributions of tenants are limited … unless the consultation requirements have been either (a) complied with … or (b) dispensed with … by … the appropriate tribuna*l".

18. Under Section 20ZA(1) of the 1985 Act 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…, the tribunal may make the determination if satisfied that it is reasonable to do so.

The Tribunal's Reasons

19. The Tribunal has a wide discretion under section 20ZA of the Landlord and Tenant Act 1985 as to whether it is reasonable to dispense with the consultation requirements. In exercising that discretion and having regard to the guidance of the Supreme Court in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14, the Tribunal's primary concern is whether the leaseholders have suffered any relevant prejudice as a consequence of the failure to carry out the statutory consultation process.

20. The Tribunal is satisfied on the evidence before it that the works were necessary and urgent. The Tribunal accepts that delaying the works in order to complete the statutory consultation process carried a risk of further water ingress and consequential damage to the Property and the leaseholders' dwellings.

21. The Tribunal is satisfied that the Applicant complied with the Tribunal's directions regarding service of the application documents and notification of the leaseholders and that the leaseholders were adequately informed of the proposed works, the estimated costs and the application for dispensation. They were afforded a fair opportunity to make representations to the Tribunal. No objections were received and there is no evidence that any leaseholder has suffered, or is likely to suffer, prejudice arising from the absence of full consultation. In those circumstances, and given the urgency of the works, the Tribunal considers it reasonable to dispense with the consultation requirements.

22. Accordingly, the Tribunal grants unconditional dispensation from the consultation requirements in respect of the qualifying works.

23. For the avoidance of doubt, this determination is confined to the issue of dispensation. It does not amount to a determination that the costs of the works are reasonably incurred or payable under the terms of the leases. Those issues remain open to challenge in any future proceedings.

Name: Judge Alice Holtom Date: 5 August 2026

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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 not being within the time limit.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).