



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference(s) : MAN/00CX/LDC/2026/0015

Property : The Kassapians, Albert Street, Baildon, Shipley
BD17 6AY

Applicant : The Kassapians Management Co. Limited

Respondents : Various Long Residential Leaseholders

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

Tribunal Members : Tribunal Judge C Wood
Tribunal Member K Kasambara

Date of Decision : 4 August 2026

DECISION

Order

1. The Tribunal determines that it is satisfied that it is reasonable in the circumstances to grant dispensation to the Applicant from the consultation requirements under s20 of the Landlord and Tenant Act 1985 for the works, more particularly described in paragraph 7(3) and (4) of this Decision.

Background

2. By an application dated 13 February 2026, (“the Application”), the Applicant applied to the Tribunal under Section 20ZA of the Landlord and Tenant Act 1985, (“the 1985 Act”), for dispensation from the consultation requirements of Section 20 of the 1985 Act and the Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987), (together “the Consultation Requirements”), in respect of qualifying works undertaken at the Property.
3. The Respondents are the individual residential leaseholders of the flats at the Property.
4. Directions were issued to the parties, in response to which the Applicant submitted written representations. No submissions were received from any of the Respondents.
5. The Tribunal considered that it was appropriate, in the circumstances, for the Application to be determined “on the papers” in the absence of a request for a hearing from any of the parties. No request for a hearing of the Application has been received.
6. The determination of the Application was scheduled to take place on 4 August 2026.

Applicant’s Submissions

7. The Applicant’s submissions are summarised as follows:
 - (1) The Property is a modern, private residential apartment development comprising two separate buildings constructed in or about 2007. The Property comprises of 59 apartment, with 32 apartments located within the lower block and 27 apartments within the upper block.
 - (2) The Applicant is the managing agent for the Property. The Landlord is Radcliffe Investment Properties Limited.
 - (3) The proposed works relate to the roof of the lower block (Flats 28–59) on the Otley Road elevation of the Property. The roof has a history of leaks, and five top-floor flats are currently affected: two with ceiling collapses, two with water ingress through electrical fittings, and one with extensive water staining.

- (4) A roof survey was commissioned which identified remedial works to address long-standing defects, maintain roof integrity, and prevent further water ingress, ("the Works").
- (5) To delay the Works to allow a full Section 20 consultation would increase repair costs, risk flats becoming uninhabitable, and could prejudice insurance cover. Prior funding constraints also prevented earlier formal consultation.
- (6) The Applicant intends to inform all of the leaseholders of the Application and the reasons for making it and provide them with full information regarding the tender exercise and the cost of the Works.

Respondents' Submissions

8. As stated in paragraph 4 above, none of the Respondents has made any submissions in response to the Application.

Law

9. Section 20ZA(2) of the 1985 Act defines qualifying works as "works on a building or any other premises".
10. Section 20 of the 1985 Act states:-

"Limitation of service charges: consultation requirements

Where this Section applies to any qualifying works..... the relevant contributions of tenants are limited...unless the consultation requirements have been either:-
 - a. complied with in relation to the works, or
 - b. dispensed with in relation to the works by the First Tier Tribunal
11. Regulation 6 of the Regulations provides that for the purpose of s20(3) of the 1985 Act "the appropriate amount" is an amount which results in the relevant contribution of any tenant being more than £250.
12. Section 20ZA(1) of the 1985 Act states:-

"Where an application is made to a 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 dispense with the requirements."

Reasons

13. In determining whether it is reasonable to grant an application under s20ZA of the 1985 Act, the Tribunal should consider the following:

- (1) the rationale for the undertaking of a consultation exercise, namely, to ensure that leaseholders are protected from paying more than would be appropriate; and,
- (2) whether there is evidence of prejudice to any of the leaseholders as a result of a lack of consultation.

14. The Tribunal notes as follows:

- (1) The Applicant has provided sufficient information regarding the Works to explain why they considered that they were urgent and of the risks of further damage and other consequences eg loss of insurance cover might result if the Works were delayed in order to allow a consultation to take place.
- (2) There is no evidence before it of any of the Respondents having responded to the Application and/or having raised any objections to the doing of the Works.
- (3) There is no evidence of any prejudice to the Respondents by reason of a lack of consultation.
- (4) The Tribunal accepts the Applicant's evidence of the urgency to do the Works.

Determination

- 15. The Tribunal therefore determines that, in accordance with Section 20ZA(1) of the 1985 Act, it is reasonable to dispense with the consultation requirements under s20 of the 1985 Act in respect of the Works.
- 16. Nothing in the determination in paragraph 15 shall preclude consideration of whether the Applicant may recover by way of service charge from any of the Respondents any or all of their relevant contribution towards the costs of the Works or the costs of this Application should an application be received under Section 27A of the 1985 Act. Dispensation from consultation requirements does not imply that the resulting service charge is reasonable.