FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	**:**	**CAM/22UL/LDC/2026/0045**
Property	**:**	**Boiler House, Rochford Lofts, Pollards Close, Rochford, Essex, SS4 1GB**
Applicant	**:**	**Hair & Son Limited**
Respondent	**:**	**All leaseholders of dwellings at the Property**
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 18 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 17 June 2026 requiring the Applicant, by 24 June 2026, either to serve all leaseholders with the application documents (including the application, directions, details 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.

3. The directions further required the Applicant to confirm in writing to the Tribunal, no later than 1 July 2026, that those requirements had been complied with.

4. The directions further required any leaseholder who opposed the application to complete and return a reply form to the Tribunal by **15 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

5. 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.

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

7. The Tribunal had before it a bundle consisting of 381 pages ("the Bundle"), prepared by the Applicant in accordance with the Tribunal's directions.

The Background

8. The Landlord of the Property is The Rochford Lofts Management Company Limited. The Applicant, Hair & Son Limited, acts as the managing agent for the Landlord.

9. Mr Dean Connor is the Senior Property Manager for Hair & Son Limited and is responsible for the management of the Property on behalf of the Landlord.

10. The Property is a residential block comprising 31 leasehold flats and is estimated to be 20 to 25 years old.

11. The qualifying works which are the subject of this application comprise the replacement of the communal cold-water booster pump system at the Property. The estimated cost of the works is £8,571.50 plus VAT.

The Applicant's case

12. Regarding the need for the relevant works, the Applicant stated in their application that the existing communal cold-water twin-pump system had developed faults affecting pump 2 and the control panel PCB/run-on timer, causing operational failures, airlocks, reduced water pressure and intermittent interruptions to the water supply.

13. The Applicant stated that the system is more than 20 years old and was beyond economical repair. The Applicant relied on a quotation from Willow Pumps at page 154 of the Bundle, which confirmed that full replacement was recommended due to the age of the existing panel and the failure of internal PCB components causing ongoing system reliability issues.

14. In his witness statement dated 8 July 2026, Mr Connor stated that on 23 February 2026 the owner of Flat 26 reported intermittent low water pressure. As the issue initially appeared isolated and subsequently resolved, no wider defect was suspected. However, the owner later reported further incidents and maintained a log of recurring problems. In response, the Applicant instructed Willow Pumps Ltd to investigate the communal cold-water booster pump system.

15. Mr Connor confirmed in his statement that Willow Pumps Ltd initially replaced a faulty pressure switch but, following further investigation, identified a defect within the control panel PCB/run-on timer. This fault caused the pumps to operate continuously, resulting in airlocks and increasing interruptions to the communal water supply (page 154 of the Bundle).

16. The Applicant obtained a further specialist opinion and quotation from H+M Pumps (page 157 of the Bundle), which provided an alternative quotation for the works in the sum of £8,950 plus VAT.

17. Mr Connor stated that on 30 April 2026 a notice of intention was issued to all leaseholders informing them of the defects affecting the communal water system, the proposed replacement works and the Applicant's intention to seek dispensation from the consultation requirements owing to the urgency of the situation. The Applicant relied on documents at pages 32 - 151 of the Bundle.

18. On 18 May 2026 Mr Connor emailed the leaseholders (pages 159 to 274 of the Bundle) notifying them that the cold-water booster set replacement had been authorised and would be carried out by Willow Pumps Ltd and that the Applicant intended to submit an application to the First-tier Tribunal (Property Chamber) for dispensation from the consultation requirements pursuant to section 20ZA of the Landlord and Tenant Act 1985. A further email was sent to leaseholders on 28 May 2026 (pages 237 to 274 of the Bundle) confirming that the works would commence on 12 June 2026 and that the application had been made.

19. On 18 June 2026 Mr Conner emailed the Leaseholders (pages 275 – 338 the Bundle) enclosing a copy of the application, the Tribunal's directions, quotations from Willow Pumps Ltd and H+M Compressors and Pumps and a reply Form. The email notified leaseholders that, should they wish to object to the application, they were required to complete and return the reply form to the Tribunal by 15 July 2026.

20. The Applicant also provided photographic evidence (pages 152 – 153 of the Bundle) demonstrating that the relevant documents were displayed in a prominent position within the common parts of the Property in accordance with the Tribunal's directions.

21. In view of the continuing disruption to the communal water supply and the need to restore a reliable and unrestricted supply for all residents, the Landlord decided that the replacement works should proceed without awaiting the Tribunal's determination of the application. Willow Pumps Ltd subsequently carried out the replacement of the communal cold-water booster pump system. The works comprised the installation of a new twin-pump booster set with three-phase pumps and variable speed drive (VSD) controls, together with associated pipework, valves, fittings, commissioning and reinstatement works.

22. The Applicant's case is that dispensation should be granted because the faults were causing ongoing interruptions to the water supply affecting residents and completion of the full statutory consultation process would prolong the disruption and increase the risk of complete system failure.

Responses from the Respondents

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

The relevant legal provisions

24. 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".

25. 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

26. 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.

27. The Tribunal is satisfied, on the evidence before it, that the works were necessary and urgent. The evidence from Willow Pumps Ltd demonstrates that the existing booster pump system had reached the end of its serviceable life and that continued failures were causing disruption to the communal water supply. The Tribunal accepts that delay pending completion of the full consultation procedure carried a risk of further interruptions to an essential service.

28. In this case, the Tribunal is satisfied 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.

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

30. 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).