



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

Case Reference	: HAV/21UG/LDC/2026/0098
Property	: Cumberland Court, 4 Upper Sea Road, Bexhill on Sea, East Sussex, TN40 1RP
Applicant	: The Cumberland Court Right to Manage Company Limited
Representative	: Charles Cox Limited
Respondent	: Leaseholders of Cumberland Court (various)
Representative	: N/A
Type of Application	: To dispense with the requirement to consult lessees about major works - Section 20ZA of the Landlord and Tenant Act 1985
Tribunal	: Judge R Cooper
Date and venue of Hearing	: Paper determination
Date of Decision	: 2 September 2026

DECISION

**The Applicant's application for dispensation from the statutory
consultation requirements pursuant to s20ZA of the Landlord and**

Tenant Act 1985 is granted without condition.

This dispensation does not affect the Respondents' rights to make an application to the Tribunal as to the reasonableness or payability of the service charge under sections 27A and 19 of the 1985 Act.

The application

1. On 3 June 2026 the Tribunal received an application from Charles Cox Limited on behalf of the Cumberland Court Right to Manage Company Limited ('the Applicant'). The Respondents to the application are the various leaseholders of the 11 flats in Cumberland Court, 4 Upper Sea Road, Bexhill on Sea, East Sussex, TN40 1RP ('the Property') whose details are set out in the Appendix to this decision ('the Respondents').
2. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 ('the 1985 Act') from the consultation requirements imposed on the landlord by Section 20 of the 1985 Act in respect of qualifying works required to replace a water tank and repair the associated water tank housing on the flat roof/airspace of the Property.
3. The Property is described in the application as a purpose-built block of flat constructed between the 1950s and 1975 comprising 11 individual one- or two-bedroom units. The Property is said to have a flat roof on which telecoms equipment and the water tanks are situated.
4. The Applicant seeks dispensation on the grounds that works were urgently required as the water tank and associated housing are severely dilapidated and pose a risk catastrophic water damage to the Property. The Applicant says there are insufficient funds because of service charge arrears, that the freeholder had refused to provide a loan and the works would not be covered by insurance.
5. Directions were given by a legal officer on 8 June 2025. These included directions requiring the Applicant to serve a copy of the application and response form on the Respondents, and for the Respondents to notify the Tribunal if they objected to the application. Directions were also given about the procedures that needed to be followed if objections were received.
6. The application was struck out on 16 June 2026 as the Applicant had failed to comply with paragraph 14 of those directions. However, Judge Pattni-Evans granted a subsequent application for re-instatement on 3 August 2026. Although the Applicant had not provided good reason for their failure to comply with the Directions, the Judge was satisfied the

Respondents were not prejudiced by re-instatement provided time was extended until 17 August 2026 for them to respond and for the Applicant to reply to any objections by 1 September 2026.

Consideration

7. The Tribunal considered the application and supporting documents, comprising the lease for Flat 5 (which was said to be in identical form to that of the other leaseholders), directions, email correspondence from the applicant, and the quotation from Small Business Property Maintenance Limited for replacement of the cold-water tank and associated works.
8. This was a determination made on the papers and there was no inspection. None of the parties requested a hearing or inspection, and it was not considered necessary for a fair determination of the issues.

Determination and reasons

9. Having considered the application and totality of the evidence, the Tribunal is satisfied that it is reasonable for dispensation to be granted from the consultation requirements under s20 of the Landlord and Tenant Act 1985 ('the 1985 Act') and the Service Charges (Consultation Requirements) (England) Regulations 2003 for the reasons set out below.
10. The purpose of the statutory consultation process under s20 of the 1985 Act is to ensure that leaseholders are given the fullest opportunity to comment on expenditure for which they will be partly liable to pay through the service charge.
11. The relevant law relating to this application is s20ZA of the 1985 Act which allows the Tribunal to grant dispensation from the statutory consultation requirements if it is satisfied it is reasonable to do so. In considering the application I have borne in mind the principles set down by the Supreme Court in *Daejan Investments Ltd v Benson & others* [2013] UKSC 14.
12. In summary, the Applicant says that works to replace the water tank and repair the defective housing for the tank are urgently required due to the risk of catastrophic water damage to the Property if repairs are not carried out.
13. At the time of their application, the works had not yet started, but the Applicant has provided a quotation from Small Build Property Maintenance Limited which they said was competitive. The quotation was for £12,300 plus VAT (including a contingency of £2,000 for unforeseen works).

14. By 27 August 2026, no objections to the application had been received by the Tribunal from the Respondents. The Applicant also confirmed to the Tribunal by email on 21 August 2026 that none of the Respondents had notified them of any objection. There is no evidence before the Tribunal suggesting the Respondents would be prejudiced by a failure of the landlord to consult.
15. In all the circumstances the Tribunal was satisfied it was reasonable to grant dispensation under s20ZA of the 1985 for the following reasons. The Applicant's application is unopposed. There is a risk of significant damage to the fabric of the Property as a whole and to the Respondents' individual leasehold properties and belongings if works are not undertaken urgently. This is because the water tank which is situated on the roof of the Property is described as '*severely dilapidated*'. The Tribunal is satisfied that any further deterioration might result in a significant escape of water which as the Applicant says may be catastrophic. It also appeared from the quotation from Small Build Property Maintenance Limited, that at the time of their visit in May 2026 scaffolding was in place at the building. The Tribunal was satisfied that if the necessary works were carried out urgently before the scaffolding was removed this would reduce the potential costs to the Respondents.
16. The Tribunal considered whether to impose conditions on the grant of dispensation but decided it was not appropriate to do so. None were requested and the works were limited in scope.
17. The Tribunal, therefore, is satisfied that it is reasonable to grant dispensation from the s20 consultation requirements under s20ZA of the 1985 Act, and for that dispensation to be without condition.
18. Although the Tribunal has granted dispensation, in doing so it is making no determination as to the reasonableness of the works that will be carried out, the reasonableness of the costs of those works or whether they are payable by the Respondents though the service charges. Those are matters which the Tribunal may consider, but only on a separate application under sections 27A and 19 of the 1985 Act.

Note: Appeals

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office that has been dealing with the case.

2. 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 and should be sent by email to rpsouthern@justice.gov.uk.
3. 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.
4. 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.

Appendix

Respondent Leaseholders of Cumberland Court, 4 Upper Sea Road, Bexhill on Sea TN40 1RP

Flat 1 - Mr Ashley Browning, Flat 1 Cumberland Court

Flat 2 - Mr Ronald Caine, c/o The Chapel, Glengorse Estate, Battle TN33 0TX

Flat 3 - Mrs Geraldine Andrews, Flat 3 Cumberland Court

Flat 4 - Mr Aabel Shobin & Ms Mary Isidhore, Flat 4 Cumberland Court

Flat 5 - Mr Adam Smith, Flat 5 Cumberland Court

Flat 6 - Ms Anil Varghese, Flat 6 Cumberland Court

Flat 7 - Mr Darryl Bassiere & Mr David Byles, Flat 7 Cumberland Court

Flat 8 - Mrs Donna Ashton, Flat 8 Cumberland Court

Flat 9 - The Executors of Mrs Jean Slater c/o Gaby Hardwick, 2 Eversley Road, Bexhill TN40 1EY

Flat 10 - Ms Rosemary Chemazo, c/o Care to You Health, 52 St Leonards Road, Bexhill TN40 1JB

Flat 11 - Mr Alasdair Williams, Flat 11 Cumberland Court