

FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	:	HAV/45UF/LDC/2026/0145
Property	:	The Manor House, The Causeway, Horsham, West Sussex, RH12 1NQ
Applicant	:	The Manor (Horsham) Management Company Limited
Representative	:	Deacon Asset Management
Respondents	:	Mr C Edney (1) Mrs M Cahn (2) Mr & Mrs Heath (3) Mr & Mrs Posgate (4) Mr & Mrs Preston (5) Mr & Mrs White (6) Ms M Olszowka (7) Mrs C Alexander (8)
Representative	:	None
Type of application	:	To dispense with the requirement to consult lessees about major works under section 20ZA of the Landlord and Tenant Act 1985
Tribunal members	:	Judge Taylor
Date and Venue of hearing	:	9 November 2026, on the papers
Date of decision	:	9 November 2026

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DECISION

Decision of the Tribunal

The Tribunal grants the application for dispensation under Section 20ZA of the Landlord and Tenant Act 1985 in relation to the lift repair and roof repairs that are detailed in the Applicant's Detailed Description of Works

The application

1. The Applicant seeks dispensation under Section 20ZA of the Landlord and Tenant Act 1985 ("the Act") from the consultation requirements in relation to certain "qualifying works" (as defined by the Act). The application was received on 13 August 2026.

2. This matter has been dealt with without a hearing pursuant to Rule 31 of the Tribunal Procedure Rules 2013 and the Tribunal's Directions dated 2 September 2026. No objections were received to that procedure.

3. The Property is described in the application as: *"A listed converted building comprising of eight apartments"*.

4. The Applicant is the management company of the Property. The Respondents are the leaseholders of the 8 apartments at the Property.

5. The Tribunal has been provided with a copy of the lease for Flat g Manor House, the apartment owned by the fourth respondents (" the Lease"), as a sample of the leases of all the apartments. By clause 5, the Tenth Schedule and the Sixth Schedule of the Lease, the Applicant covenanted (amongst other things) to carry out works necessary for: (1) *"maintaining keeping clean and where necessary replacing the passenger lift located in the Building";* and (2) "*carrying out all remedial work to the structure of the Building so often as in the opinion of the Management Company is reasonably necessary"*.

6. The qualifying works for which dispensation is sought are described in the application as (1) repairs to the lift which cannot

be called from the ground floor, and (2) urgent roof repairs, which the Applicant wishes to undertake before the repairs get worse.

7. There have been no replies to the application from the Respondents. The Applicant has confirmed to the Tribunal that no objections have been received to the application.

The Issues

8. This decision is confined to determination of the issue of dispensation from the consultation requirements in respect of the qualifying works. The Tribunal has made no determination on whether the costs are payable or reasonable. If a leaseholder wishes to challenge the payability or reasonableness of those costs as service charges, including the possible application or effect of the Building Safety Act 2022, then a separate application under section 27A of the Act would have to be made.

The Law

9. Section 20 of the Act and the Service Charges (Consultation Requirements) (England) Regulations 2003 require a landlord planning to undertake major works, where a leaseholder will be required to contribute over £250 towards those works, to consult the leaseholders in a specified manner.

10. It is possible to obtain dispensation from compliance with these requirements by an application such as this one before the Tribunal. Essentially the Tribunal must be satisfied that it is reasonable to grant dispensation.

11. Section 20ZA of the Act, subsection (1) provides as follows: *'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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.'*

12. The Supreme Court in the case of *Daejan Investments v Benson and others [2013] UKSC 14* set out certain principles relevant to consideration of applications under section 20ZA. Lord Neuberger, having clarified that the purpose of sections 19 to 20ZA of the Act was to ensure that tenants are protected from paying for

inappropriate works and paying more than would be appropriate, went on to state: *'it seems to me that the issue on which the [Tribunal] should focus when entertaining an application by a landlord under section 20ZA(1) must be the extent, if any, to which the tenants were prejudiced in either respect by the failure of the landlord to comply with the requirements'*.

The Tribunal's decision

The Applicant's case

13. In respect of the lift works, the Applicant prepared a document entitled "*Detailed Description of Works":*

    "Replace the Ground Floor lift indicator; Upgrade the lift phoneline for emergency lift car communication;To enable the lift to be called to and from the Ground Floor of the property; To enable passengers in the lift to communicate should there be an emergency whist using the lift".

14. The Applicant has obtained two quotations for that work. The first is undated and is in the sum of £4,769.20 plus VAT. The second is dated 18 August 2026 and is for £5,059.80 plus VAT.

15. In respect of the roof works, the Detailed Description of Works states: " *Urgent roof repairs - the mortar underneath the stone roof tiles is failing and therefore the Horsham Stone tiles are loose. The mortar is slipping from the roof – a hazard as unsafe and will let water in - take advantage of the scaffolding currently in situ at the property - To maintain the safe structure of the building"*.

16. The Applicant has obtained one quotation for the work, dated 3 September 2026 in the sum of £14,148, including VAT.

17. The Applicant says that it has sent the Detailed Description of Works and quotations to the leaseholder Respondents. The Tribunal wrote to all the Respondents on 3 September 2026, notifying them that this Application had been issued and that the Respondents should contact either the Applicants or the Tribunal if they had not received the Application or the documents accompanying it. None of the Respondents contacted the Tribunal to indicate that they had not received the documents.

Decision

18. As noted above, the primary question for the Tribunal is to what extent, if any, the leaseholders have been prejudiced by the failure to comply with the consultation requirements. The urgency of the works is not the test, although is relevant background information for the Tribunal to consider.

19. The Tribunal is satisfied on the evidence before it that the works set out in paragraphs 13 and 15 above are within the Applicant's repairing obligation under the apartment leases.

20. There are several factors in this case to be considered when deciding whether the leaseholders will be prejudiced by a failure to comply with the consultation requirements. First, what, if anything, would the leaseholders have done differently if a consultation had been completed? The Respondents have not provided any evidence on this question. It is not for Tribunal to make any findings in the absence of any evidence from the Respondents and so the Tribunal is satisfied that there is no evidence of prejudice arising from a potential lost alternative course of action. Indeed, the fact that the Respondents have not objected to the Application suggests that they do not believe any prejudice to them will arise. Secondly, the Tribunal finds on the evidence before it that all the works are required to be completed urgently. The lift is required for access to the first-floor apartments. While there is no doubt alternative stair access, I accept the Applicants' case that restoring lift access should be dealt with urgently. I also accept the Applicant's evidence that the roof repairs should be addressed urgently to prevent further deterioration and to utilise scaffold that is in situ at the Property. Finally, as noted above, there have been no objections to this application from the Respondents.

21. For all of these reasons, the Tribunal is satisfied that there is no evidence that the Respondents would suffer prejudice by the granting of dispensation relating to the works.

22. In the circumstances set out above, the Tribunal considers it reasonable to dispense with the consultation requirements.

Dispensation is granted pursuant to section 20ZA of the Landlord & Tenant Act 1985.

Rights of appeal

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 which 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. Where possible you should send your further application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal to deal with it more efficiently.

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