FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	HAV/00MS/LDC/2026/0128
Property	**:**	Ascupart House, Portswood Road, Southampton, Hampshire, SO17 2US
Applicant	**:**	Arngold Limited
Representative	**:**	Asset Property Management Ltd
Respondents	**:**	The leaseholders
Representative	**:**	None.
Type of Application	**:**	To dispense with the requirement to consult lessees about major works pursuant to section 20ZA of the Landlord and Tenant Act 1985
Tribunal Members	**:**	Mr M E Williams FRICS
Date of Decision	**:**	13 November 2026

DECISION

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The Decision

1. **The Tribunal grants the application for dispensation under section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the rear door replacement.**

   This dispensation does not affect the Tribunal's jurisdiction upon any future application from the leaseholders to make a determination under section 27A of the 1985 Act, in respect of the reasonableness and/or cost(s) associated with the qualifying works.

Background and the Application

2. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 ("the 1985 Act") for dispensation from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the works detailed below.

3. The application is dated 14 July 2026.

4. The Applicant simply describes the property as 'Ascupart House', it appears from Google Maps Street View that the property is a brick built multi-unit block, 3 storeys in part and 4 in others, with a communal garden.

5. The Applicant provides a description of the qualifying works, which states the following:

   'Rear door replacements following front door replacements carried out by Clear View Window Systems Ltd. Total cost being £15096.00. to increase security for residents. Door replacements completed 13/07/2026'

6. The Applicant sets out that some consultation has been undertaken in its application stating:

   'Further to a full consultation carried out for replacement of the front doors from wooden original style to heavy duty aluminium to improve security at the property. A notice of intention was sent to all leaseholders on 13/03/2026 for replacement of the rear doors. Due to increased vandalism, harassment and advice from the local police, we asked all Leaseholders to forego the section 20 consultation procedure on 29/04/2026 with only 14 responses, all agreeing. Due to increase security concerns when a fire was started in the communal hallway, deposit was made to the same company who installed the doors. door installation was completed on 13/07/2026 with no objections rasied.'

7. The Applicant states the following as the reasons why it is seeking dispensation of all or any of the consultation requirements:

'Due to ongoing vandalism, harassment and damage including a small fire, broken bottles and breaking windows and doors to gain access by teenagers from complicated backgrounds, with advice from local police, it was paramount to increase security for the residents. the Buildings Insurers were made aware but would not cover the cost of improvements.'

8. The Tribunal gave Directions ('the Directions') on the 30th September 2026 listing the steps to be taken by the parties in preparation for the determination of the application.

9. The Directions, at paragraph 9, stated the Tribunal would determine the application on the papers, without a hearing in accordance with Rule 31 of the Tribunal Procedure Rules 2013, unless a party objected in writing to the Tribunal within 14 days of the receipt of these Directions.

10. The only issue for the Tribunal is whether or not it is reasonable for the Applicant to have dispensed with the statutory consultation requirements. This application is neither about the costs of the works carried out to date, nor is it about the costs of the proposed works and whether they are recoverable from the leaseholders as service charges, nor the possible application or effect of the Building Safety Act 2022. The leaseholders have the right to make a separate application to the Tribunal under section 27A of the 1985 Act to determine the reasonableness of the costs, and their respective contributions payable through the service charge provisions in their leases.

The Law

11. Section 20 of the 1985 Act and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease per 12 month period, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum per annum unless the required consultation processes have been undertaken or the requirement has been dispensed with by the Tribunal. An application to the Tribunal may be made retrospectively.

12. The relevant section of the 1985 Act reads as follows:

> S.20 ZA (1) Consultation requirements: supplementary
> 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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

13. In *Daejan Investments Limited v Benson and Others* [2013] UKSC 14, the Supreme Court set out certain principles relevant to section 20ZA. Lord Neuberger, having clarified that the purpose of sections 19 to 20ZA of the

1985 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"*.

14. Furthermore, and following *Daejan v Benson*, the Tribunal has power to grant dispensation on terms.

Consideration and Decision

15. The Tribunal first considered whether it felt able to decide this application reasonably and fairly based on the papers submitted only, with no oral hearing. Having read and considered the papers and given that the application remained unchallenged the Tribunal decided it could do so.

16. Paragraph 13 of the aforementioned Directions stated that the Application form and accompanying documents would stand as the Applicant's Statement of Case.

17. In its application, the Applicant states the case is appropriate to be dealt with without a hearing (a paper determination).

18. The Directions include provisions in the event the Respondents oppose the application.

19. The Tribunal received no responses from the leaseholders.

20. The bundle includes a copy of the lease for Flats 20 & 21, Ascupart House, Portswood, Southampton, Hampshire. The lease term commences on 24 June 1978 for a period of 999 years.

21. The Tenant covenants, in Clause 2.(2);

'TO pay to the Lessors without any deductions by way of further and additional rent a twenty—first parts of the expenses and outgoing incurred by the Lessor in the insurance of the twenty—one flats situated within the Building, and the other heads of expenditure as the same are set out in the Third Schedule hereto such further and additional rent (hereinafter called "the service charge")'

22. The Landlord Covenants, in clause 3.(1);

'THE Lessors hereby covenant's with the Lessee as follows
(1) Subject to the payment by the Lessee of the rent and the service charge and provided that the Lessees have complied with all the Covenants agreements and their behalf to be performed and observed to maintain repair decorate renew amend clean repoint paint grain varnish colour
(a) the structure of that part of the building not included in the demise…'

23. The Tribunal granting dispensation will allow the reasonable costs of the works completed to be recovered and for the property to be fully secured from ongoing vandalism and fire risk.

24. The Tribunal finds that nothing different would be done or achieved in the event that a full consultation process was completed.

25. The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.

26. Taking all the above into consideration and given that no objections to the application have been received from the respondents, nor any of them asserting that any prejudice would be caused to them, the Tribunal consequently finds that it is reasonable for the Applicant to have dispensed with the consultation requirements under the 1985 Act relating solely to the works described in paragraph 5 above.

27. Thus, the Tribunal grants the application from Arngold Limited dated 14 July 2026 for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same.

RIGHTS OF APPEAL

28. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case. All communications must clearly state the Case Number and the address(s) of the premises.

29. 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.

30. If the person wishing to appeal does not comply with the 28 days' 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 days' time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

31. 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.