



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

Case References : BIR/00GG/LDC/2024/0005

Properties : Coton Manor, Berwick Road,
Shrewsbury. SY1 2LT

Applicant : Coton Manor (Shrewsbury) RTM Limited

Representative : Rendall & Rittner

Respondents : The Leaseholders of Coton Manor (1)
Morgoed Estates (2)

Type of Application : An application under section 20ZA of the
Landlord and Tenant Act 1985 for dispensation
of consultation requirements.

Tribunal : Judge P.J Ellis.
V Ward BSc Hons FRICS – Regional Surveyor

Date of Hearing : 13 June 2024

Date of Decision : 10 July 2024

DECISION

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The Tribunal is satisfied it is reasonable to dispense with the consultation requirements on the Applicant in respect of a contract for qualifying works for the property the subject of this applications, namely, the implementation of critical fire safety measures. The installation of an interlinked fire detection system

essential to mitigate the risk of fire-related incidents and ensure the safety of residents.

Introduction and Background

1. This is an application for dispensation from the consultation requirements of s20 Landlord and Tenant Act 1985 (the 1985 Act). The application was issued on 16 February 2024. Directions were issued on 11 March and 18 April 2024 requiring the Applicant Morgoed Estates acting by its agent Rendall and Rittner, the first Applicant to serve the application, the Directions, a statement explaining the purpose of the application and supporting information to the leaseholders of Coton Manor by 3 May 2024.
2. The application relates to urgent qualifying works involving the implementation of critical fire safety measures. The installation of an interlinked fire detection system essential to mitigate the risk of fire-related incidents and ensure the safety of residents.
3. Section 20 of the Act, as amended by the Commonhold and Leasehold Reform Act 2002, sets out the procedures landlords must follow which are particularised, collectively, in the Service Charges (Consultation Requirements) (England) Regulations 2003. There is a statutory maximum that a lessee must pay by way of a contribution by way of a “qualifying long term agreement” (“QLTA”) unless the consultation requirements have been met or dispensation from the same has been granted.
4. Following service of the application on the leaseholders of Coton Manor there were no objections to the application. The Tribunal decided the application on the papers without inspection as the work the subject of the application was completed by the time it was issued.
5. The need for the work was urgent because on 13 February 2024 the Shropshire Fire and Rescue Service issued an Enforcement Notice under Article 30 of the Regulatory Reform (Fire Safety) Order 2005. The Notice

required completion of specified work to remedy non-compliance with fire safety legislation, by 12 April 2024 to avoid further enforcement action.

6. The Applicant as property agent for the landlord Morgoed Estates produced copies of the enforcement notice together with copies of correspondence sent to leaseholders on 9 February 2024 giving leaseholders an explanation of the urgency of the need for remedial fire safety work to be undertaken. The need for work involved was sufficiently serious that waking watch was required until satisfactorily completed. The work required was particularised in the application and summarised in the Tribunal's Directions of 18 April 2024.
7. In consultation with leaseholders regarding the works the Applicant notified them that there was no cost protection under recent building safety legislation applicable to this property.

Discussion and Decision

8. Although there were no objections to the application the Tribunal must be satisfied under s20ZA of the Act that it is reasonable to dispense with consultation requirements.
9. In considering this matter the Tribunal has had regard to the decision of the Supreme Court in *Daejan Investments Ltd v Benson and others* [2013] UKSC 14 ("Daejan") and the guidance to the Tribunal that in considering dispensation requests, it should focus on whether tenants are prejudiced by the lack of the consultation requirements of section 20.
10. This is an application for dispensation from consultation requirements, it is not concerned at present with the issue of the cost of the work. The Tribunal's decision on this application does not prevent further challenge to the payability and reasonableness of the charges incurred in due time under other provisions of the legislation.

11. The Tribunal is satisfied the Applicant through its agent acted promptly to arrange for the installation of necessary fire safety protection measures to ensure the safety of leaseholders.

Appeal

12. If either party is dissatisfied with this decision, they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties and must state the grounds on which they intend to rely in the appeal.

Tribunal Judge PJ Ellis.