



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

Case Reference	:	HAV/43UF/LDC/2025/0738
Property	:	Anvil Court, 2 Blacksmith Road, Horley, Surrey, RH6 9FD
Applicant	:	Housing 21
Representative	:	Ms Giselle Bailey Regional Extra Care Manager, Housing 21
Respondents	:	The Leaseholders at Anvil Court
Representative	:	None
Type of Application	:	Dispensation from the statutory consultation requirements to consult lessees about major works, section 20ZA of the Landlord and Tenant Act 1985.
Tribunal Member	:	Mr J G G Wilson MRICS FCIArb
Date of Decision	:	9 January 2026

DECISION

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 replacement of the emergency call system at Anvil Court, with the installation of the Appello Smart Living Solutions system.**
- 2. 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

3. 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 replacement of the emergency call system at Anvil Court, 2 Blacksmith Road, Horley, Surrey, RH6 9FD (‘the property’), with the installation of the Appello Smart Living Solutions system.
4. The application is dated 14 October 2025.
5. The property is described as a purpose-built building consisting of 60 (sixty) properties (flats), with associated communal areas and facilities: a restaurant, buggy store, laundry room, refuse room, lounge, activity room, assisted bathroom and two WCs. In addition, there are two guest suites, a staff room and three offices. The copy lease provided in the bundle includes a plan of the property which shows it is built over ground and two upper floors.
6. Under ‘Grounds for seeking Dispensation’ the Applicant says at paragraph 1. ‘It is the desire to replace the emergency call system asap.’ At paragraph 2. the Applicant goes on to say, ‘No consultation has been carried out to date. If the dispensation request is permitted, letters will be distributed to all leaseholders explaining the rationale for the replacement with all costs associated. The works will start no sooner than 30 days after receipt of the letter.’
7. In its explanation to seek dispensation at paragraph 3. the Applicant says, in summary, the following. The chosen Appello Smart Living Solutions system is currently the only fully digital emergency call system available that uses secure encryption to authenticate and encrypt both data and speech. The infrastructure for telecare and fire alarm calls is changing from analogue to digital. Accordingly, Internet

Protocol is to become the default communications method, meaning analogue telecare systems will soon no longer work. BT have already announced they will not be offering analogue services after 2020, with the total switch off concluding in 2025. Analogue systems are to become obsolete and are becoming increasingly unreliable.

8. The Applicant has recognised the safety and reliability issues created for residents associated with the transition and since 2016 has taken a proactive stance to ensure their systems are digital ready. The Applicant has sought a solution to deliver suitable, fit for purpose systems that overcome existing health and safety issues that affect emergency call systems.
9. Whereas there are a few systems that provide a digital service on site, no other provider supports a fully encrypted digital onsite and offsite pathway. A crucial requirement is to ensure the system can handle simultaneous calls. The Appello system will allow unlimited calls raised and handled from any site. Other relevant advancements in technology provided by the Appello system listed, include: flat to flat video calling, Wi-Fi provision enabling customer to access the internet in their home, and an application to allow residents to use the system on a tablet.
10. The Applicant concludes to say 'To interconnect all the properties into a central system and achieve the same functionality, service and assurance to all of our residents, would not be possible with a hybrid of two separate systems onsite...we are unable to tender a directly comparable system as Appello are the only supplier a digital solution with the desired functionality [sic].'
11. The Tribunal gave Directions ('the Directions') on 25 November 2025 listing the steps to be taken by the parties in preparation for the determination of the application.
12. The Directions 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.
13. **The only issue for the Tribunal is whether or not it is reasonable to dispense with the statutory consultation requirements. This application is not about the costs of the works, and whether they are recoverable from the leaseholders as services charges or 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

14. 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.

15. 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.

16. 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*”.

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

Considerations and Decision

18. 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.

19. The Directions state, paragraph 14, ‘The application shall stand as the Applicant’s case’.

20. In its application, the Applicant states the case is appropriate to be dealt with on the Fast Track basis and goes on to say, ‘Due to the increasing unreliability of the emergency call systems, we wish to pursue the replacements asap [sic].

21. The Directions attached a reply form for the Respondents with a date for it to have been completed and to have been returned by to the Applicant to confirm whether the Respondents: (1) agreed with the application, or not; and (2) similarly agreed the Tribunal may decide the matter on the basis of written representations only (no hearing), or not.
22. The Directions include provisions in the event the Respondents oppose the application.
23. Thereafter the Directions give the date by which the Applicant is to confirm to the Tribunal that no objections have been received from the Respondents, if applicable, being 10 December 2025.
24. The bundle includes a list of the 60 (sixty) flats with their respective lessees and tenants' names and whether each flat is held either leasehold or rented. In her email to the Tribunal dated 15 December 2025, Ms Charmaine Thomas, Housing Manager, confirms '...there have been no objections to case ref: HAV/43UF/LDC/2025/0738/EMG.'
25. The bundle includes a copy of the lease of Flat 1 dated 20 February 2014 between (1) Housing 21 (Exempt Charity), (2) N.E. Horley Resident Management Company Limited, and (3) Beryl Maris Jacqueline Young. It a counterpart lease, granted on shared ownership terms with flat restricted staircasing. The premium paid was £172,500 for a term of 125 years from the commencement date. There is a requirement for the payment of rent, with corresponding provisions for the review of the same.
26. At clause 6.3 the landlord covenants to 'Repair redecorate renew structure...6.3.1...the load bearing framework and all other structural parts of the Building, the roof, foundations, joists and external wall of the Building and Service Media and machinery and plant within (but not exclusively serving) the Premise and all parts of the Building which are not the responsibility of the Leaseholder...6.3.2 the Service Media, cisterns and tanks and other gas, electrical, drainage, ventilation and water apparatus and machinery in under and upon the Building (except such as serve exclusively an individual flat in the Building and except such as belong to any utility supply authority or company); and 6.6.3 the Common Parts.'
27. This application is concerned with the replacement of an existing analogue emergency call and fire alarm system with an up-to-date digital system. With the passage of time, service providers such as BT are to phase out analogue telecare systems, so that digital systems are the only ones to be provided with their corresponding ongoing back-up services. Not only are analogue systems to become obsolete but also on a day-to-day basis are becoming increasingly unreliable.

28. The Applicant has taken a proactive stance to ensure their systems are 'digital ready.' The system that has been chosen by the Applicant is 'Appello Smart Living Solutions' which can handle simultaneous calls, *inter alia*. All calls are handled in parallel, not in series, held in a queue.
29. The Tribunal understands the Appello system is capable of being rolled out to a number of sites (properties), to provide effective services which is capable of being monitored from a single point of contact.
30. The Applicant says it seeks dispensation from the consultation requirements of the 1985 Act as it wishes '...to replace the emergency call system asap.' No consultation with this regard has been carried out and if dispensation is granted, letters will be distributed to all leaseholders to explain the rationale for the replacement with all costs associated. The works to commence no sooner than 30 days after the leaseholders have received their letters.
31. For the Tribunal to grant dispensation will allow the Applicant to inform the leaseholders of the intention to replace the soon to be obsolete analogue emergency call system with an up-to-date digital system, which in turn has improved and enhanced functions.
32. Taking all the above into consideration and Ms Thomas having confirmed that no objections to the application had been received from the leaseholders, the Tribunal grants the application from Housing 21 dated 14 October 2025 for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same.
33. To conclude the Tribunal makes the following observations. The Applicant having set out in detail the Appello system with its enhanced functions and capabilities, for the leaseholders to have an up-to-date digital emergency call system installed, with its associated improvements and enhanced functional capabilities, is a transition this Tribunal can only support.
34. BT announced analogue services would not be available after 2020, with a total switch off, of the same in 2025. The Applicant says it had recognised the safety and reliability issues associated with the analogue system and since 2016 has taken a proactive stance to ensure their systems are digital ready. This proactive stance has resulted in an application to the Tribunal to seek to dispense with the consultation requirements for qualifying works under the 1985 Act.
35. Whereas this Tribunal has concluded it is reasonable to dispense with the requirements on the bases of the application before it, such that the benefits to the leaseholders of the installation of the digital system are expedited, it begs the question as how proactive the Applicant has been with this regard?

36. The Applicant should take note the provisions of section 20ZA(1) are designed to cover matters in extremis, not to be adopted and deployed as a short-cut due to inaction or simply to cut corners.

RIGHTS OF APPEAL

37. 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.
31. 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.
32. 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.
33. 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.