FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**MAN/00CG/LDC/2025/0619**
Property	**:**	**1-53 Weston View, Crookes, Sheffield S10 5BZ**
Applicant	**:**	**Weston View Management Company Limited**
Representative	**:**	**Trinity (Estates) Property Management Limited**
Respondents	**:**	**The Residential Long Leaseholders**
Type of Application	**:**	**Landlord & Tenant Act 1985 – Section 20ZA**
Tribunal	**:**	**John Murray LLB** **Jeff Platt FRICS**
Date of Directions	**:**	**6 January 2026**

ORDER

DECISION

The Tribunal determines that dispensation from consultation for the works as detailed in the application be granted pursuant to s20ZA Landlord and Tenant Act 1985.

PRELIMINARY

INTRODUCTION

1. An application was made by the Applicant Management Company for dispensation of the consultation requirements of s20 of the Landlord and Tenant Act 1985 and The Service Charges (Consultation Requirements) (England) Regulations 2003 ("the Consultation Requirements") relating to Qualifying Works (costing more than £250 for any one leaseholder) for numbers 1 – 53 Weston View ("the Property"), described in the application as four purpose built blocks of flats and 8 houses (numbered 24 to 31) forming the development. It would appear that there are 44 flats which the Qualifying Works relate to.

2. Directions were made by a Legal Officer of the Tribunal on the 9th October 2025. The Applicant was directed to send to the Tribunal by 30th October 2025, with a copy to each Respondent, a bundle of documents, consisting of a statement of case, correspondence sent to the leaseholders in relation to the works, detailed reasons for the urgency of the works and the consequences upon lessees of any delay; any quotes or estimates for the proposed works and relevant reports (including full details of attempts made by the Applicant to obtain quotes or estimates) and copies of any other documents the Applicant seeks to rely on in evidence.

3. Any Respondent who opposes the application was directed, within 21 days of receipt of the Applicant's bundle to send to the Applicant and to the Tribunal, any statement they wish to make in response to the Applicant's case.

4. The Applicant had a right of reply within 14 days of expiry of the dates above.

5. The matter was listed for a paper determination, and the Tribunal convened on the 6th January 2026 to consider the application.

THE QUALIFYING WORKS

6. The application stated that the works had been identified in a Fire Risk Assessment, which had concluded that there was inadequate ventilation within the

blocks, and that the existing Stay Put evacuation policy was not appropriate. Although the building is under 11 metres in height, the identified fire safety deficiencies necessitated urgent interim measures until Automatic Opening Vent (AOV) windows could be installed across all four blocks.

7. The interim works commenced on 6 December 2024 and involved the installation of interlinked smoke detectors in both the communal areas and individual flats. During this period, a Waking Watch was implemented to provide 24-hour monitoring and ensure resident safety until the completion of the works on 12 December 2024.

8. The Costs said to be incurred in relation to the Qualifying Works were as follows:

   a. Waking Watch (15 days): £8,280.01 + VAT
   b. Interim Smoke Detector Installation: £3,678.00 + VAT
   c. Total : £14,349.61 inclusive of VAT.

9. The Applicant did not undertake further consultation with leaseholders due to the critical nature of the works, and the immediate need to address the fire safety concerns identified in the Fire Risk Assessment.

10. Residents were kept informed throughout the process, including updates on the implementation of the temporary Waking Watch and the installation of interlinked smoke detectors in both communal areas and individual flats. The Applicant determined to apply for a retrospective dispensation from the Section 20 consultation requirements through a Board Decision granted on 30 April 2024.

11. Works were carried out between the 6th and 12th December 2024 and the waking watch removed on the 12th December 2024. The works were due to be finally completed on 5th December 2025.

THE LEGISLATION

12. The relevant legislation is contained in s20ZA Landlord and Tenant Act 1985 which reads as follows:

s20 ZA Consultation requirements: supplementary

(1) 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.

(2) In section 20 and this section—

"qualifying works" means works on a building or any other premises, and
"qualifying long term agreement" means (subject to subsection (3)) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.

(3) The Secretary of State may by regulations provide that an agreement is not a qualifying long term agreement—

(a) if it is an agreement of a description prescribed by the regulations, or
(b) in any circumstances so prescribed.

(4) In section 20 and this section "the consultation requirements" means requirements prescribed by regulations made by the Secretary of State.

(5) Regulations under subsection (4) may in particular include provision requiring the landlord—

(a) to provide details of proposed works or agreements to tenants or the recognised tenants' association representing them,

(b) to obtain estimates for proposed works or agreements,

(c) to invite tenants or the recognised tenants' association to propose the names of persons from whom the landlord should try to obtain other estimates,

(d) to have regard to observations made by tenants or the recognised tenants' association in relation to proposed works or agreements and estimates, and

(e) to give reasons in prescribed circumstances for carrying out works or entering into agreements.

(6) Regulations under section 20 or this section—

(a) may make provision generally or only in relation to specific cases, and
(b) may make different provision for different purposes.

(7) Regulations under section 20 or this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament

RESPONSES FROM THE RESPONDENTS

13. Some of the leaseholders sent questions to the Tribunal and the Applicant.

14. Questions amounted to asking for details of the costs, a copy of the Fire Risk Assessment and for details of how the contractor was selected; what exactly was happening to the block of flats that needed input from the Tribunal; requests for clarification of an invoice and questions as to whether the charges could be made under the lease as the work was for a new installation, not a repair. A question as to the date that the building was assessed as non-compliant with the 2005 Order.

15. One of the Respondents, presumably a house owner, said the email had nothing to do with the eight houses as it was only relevant to the apartments/flats. The Applicant's Property Manager confirmed that the works did not affect the houses in any way.

16. One of the Respondents asked questions about the Fire safety legislation and accompanying regulations and whether the Applicant's agents should have been aware of this earlier and avoided the costs of the waking watch. He also asked if the costs might be covered by insurance.

17. Other questions asked why the sinking fund had not been utilised for payment of the costs.

THE DETERMINATION

18. The only issue for the Tribunal to consider under section 20ZA is whether or not it is reasonable to dispense with the consultation requirements. The application does not concern the issue of whether any service charge costs resulting from the contracts are reasonable or indeed payable and it will be open to lessees to challenge any such costs charged by the Applicant under section 19 of the Act, if, for example they did not believe the Applicant was entitled to charge for the works under the terms of their leases.

19. This was confirmed by HHJ Huskinson in the Upper Tribunal who considered the jurisdiction for prospective dispensation under s20ZA in the case of **Auger v Camden LBC [2008].** The Upper Tribunal confirmed that the Tribunal has

broad judgment akin to a discretion in such cases. The dispensation should not however be vague and open ended. The exercise of discretion to grant dispensation requires the clearest of reasons explaining its exercise

20. Dispensation was considered in depth by the Supreme Court **in Daejan v Benson [2013] UKSC14** which concerned a retrospective application for dispensation. Lord Neuberger confirmed that the Tribunal has power to grant a dispensation on such terms as it thinks fit, providing that the terms are appropriate in their nature and effect.

21. At paragraph 56 Lord Neuberger said it was "clear" that a landlord may ask for dispensation in advance for example where works were urgent, or where it only becomes apparent that it was necessary to carry out some works whilst contractors were already on site carrying out other work. In such cases it would be "odd" if the (LVT) could not dispense with the Requirements on terms which required the Landlord, for instance (i) to convene a meeting of the tenants at short notice to explain and discuss the necessary works, or (ii) to comply with stage 1 and/or stage 3, but with (for example 5 days instead of 30 days for the tenant to reply.

22. Lord Neuberger also confirmed that conditions could be imposed as to costs, aside from the Tribunal's general powers to award costs, (which at that time were limited), drawing a parallel to the Court's practice to making the payment of costs a condition of relief from forfeiture.

23. The Tribunal should consider if any of the leaseholders are likely to suffer prejudice from the lack of consultation. None of the responses the Tribunal received pointed to any prejudice suffered by the leaseholders.

24. The correct approach to prejudice to the tenants is to consider the extent that tenants would "relevantly" suffer if an unconditional dispensation was accorded. The Tribunal needs to construct what might happen if the consultation proceeded as required - for instance whether the works would have cost less, been carried out in a different way or indeed not been carried out at all, if the tenants (after all the payers) had the opportunity to make their points.

25. The Tribunal is satisfied that the works were urgent given the fire risks identified by the Fire Service and were carried out expeditiously for the benefit of all leaseholders, and a waking watch was necessary on health and safety grounds. The need for the waking watch underlined the need for the work to be carried out quickly.

26. The Tribunal does not necessarily accept that the waking watch constitutes "Qualifying Works"; a waking watch is not "works to a building". A waking watch is a temporary arrangement to ensure safety in the communal areas of a building whilst works are carried out to address fire safety issues. Whilst that means it is often ancillary to fire safety works that are Qualifying Works, it does not mean that the exercise is as a result works to a building, as defined in section 20.

27. And if that is the case, dispensation for the actual works to the building, would likely not be necessary, unless any of the 44 leaseholders would pay more than £250 for the ventilation works.

28. Having said that, the Tribunal understands in the circumstances why the Applicant would exercise caution and apply for dispensation in the absence of any higher authority on this point and the Tribunal will in the circumstances make an Order that, whether or not it is strictly necessary, dispensation from consultation is granted

29. This judgement does not address whether the costs are either payable, under the terms of the lease, or reasonable in terms of amount and quality of works, and any leaseholder who has concerns in any of those respects has a right to apply to the Tribunal pursuant to s27A Landlord and Tenant Act 1985.

Tribunal Judge J Murray LLB
6 January 2025