



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

**Case Reference** : **MAN/ooBP/LDC/2025/0605**

**Property** : **The Victory, 163-167 Union Street, Oldham OL1 1TD**

**Applicant** : **Drake Hall Limited**

**Representative** : **Residential Management Group**

**Respondents** : **The Residential Long Leaseholders (see Annex)**

**Type of Application** : **Landlord & Tenant Act 1985 – Section 20ZA**

**Tribunal** : **Tribunal Judge L Brown  
Tribunal Member W Reynolds**

**Date of Decision** : **5 December 2025**

---

**DECISION**

---

Dispensation for the Works described in paragraph 4 is granted pursuant to section 20ZA of the Landlord and Tenant Act 1985.

**The Application**

1. Application dated 27 January 2025 was made by Drake Hall Limited, the freeholder and landlord, of the Property which comprises 32 flats and 2 commercial units over 7 floors.

2. The Respondents are the leaseholders of the residential flats in the Property, who were identified to the Tribunal by the Applicant with the Application together with a specimen lease for Plot 14 The Victory Union Street Oldham OL1 1TD, the contents of which the Tribunal understands is identical for all of the flats concerned.

3. The Applicant seeks dispensation pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the Act”) in respect of consultation requirements in relation to certain qualifying works, within the meaning of the Act.

4. The qualifying works comprise action to address breaches in fire protection compartmentation, and deficiencies with fire doors and the smoke control system.

5. The only issue is whether it is reasonable to dispense with the statutory consultation requirements.

### **Paper Determination**

6. Directions were made on 10 July 2025.

7. Those directions provided, amongst other things, that the applicant must within 28 days of the date of the directions, send to the Tribunal, with a copy to each respondent, a bundle of documents consisting of:

- a. the Tribunal application form;
- b. a statement of case explaining why the application had been made;
- c. any correspondence sent to the leaseholders in relation to the works
- d. detailed reasons for the urgency of the works and the consequences upon the leaseholders of any delay
- e. any quotes or estimates for the proposed works and relevant reports; and
- f. copies of any other documents the Applicant sought to rely on in evidence.

8. The directions also provided that any leaseholder who opposed the Application must within 21 days of receipt of the documents referred to at paragraph 7 above complete and return the reply form attached to the directions and send it to the applicant and Tribunal together with a statement in response to the Application and any documents and witness statements which they sought to reply on in evidence.

9. No responses from any Respondent was provided to the documents the Applicant proposed to rely upon in support of the Application it provided, and no objections to the Application were submitted to the Tribunal by any Respondent, none of whom have taken any part in the proceedings.

10. The directions provided that the tribunal considered the matter to be one that could be resolved by way of submission of written evidence and stated that, if any party wished to make oral representations, that party should request a hearing.

11. No such request has been made and the Application has been determined by the Tribunal on the papers submitted by the Applicant.

12. The directions expressly state that the Application concerns only whether or not it is reasonable to dispense with the consultation requirements and does not concern the issue of whether any service charge costs resulting from any such works are

reasonable or payable and that it will be open to the leaseholders to challenge any such costs charged by the Applicant.

## **The Law**

13. Section 20ZA(1) of the Act provides that:

‘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.’

14. The Supreme Court in the case of *Daejan Investments v Benson and others* [2013] UKSC 14 set out certain principles relevant to 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’.

## **Findings of Fact**

15. The Tribunal is satisfied that the Application was properly brought and is in proper form.

16. The Applicant seeks dispensation from the consultation requirements as the works, which are qualifying works, were required urgently because the safety of the Property and residents was at risk. The Applicant received a Prohibition Notice effective from 2 November 2020 from the Greater Manchester Combined Authority. It was determined that a number of actions were necessary to address breaches in compartmentation. These measures were required to ensure compliance with the Fire Safety (England) regulations. The Applicant was served with an Enforcement Notice dated 17 July 2024 from the Greater Manchester Fire and Rescue Service in relation to further deficiencies affecting compartmentation, fire doors and the smoke control system. The safety and security of the Property and residents was at risk.

17. The Applicant issued to the leaseholders a Notice of Intention dated 14 November 2024 in respect of the Works

18. Quotations for the works were received from:

Rescom Ltd: £96,314.85 excluding VAT;

LMG Fire & Compliance Limited: £99,011.00 excluding VAT;  
Recom Solution: £119,870.

19. It is further recorded in the Applicant's Statement of Case dated 31 July 2025 "*The Applicant appointed Rescom Ltd to carry out the remedial compartmentation works. During the course of the project, additional works to the soil stacks were identified by Rescom. These breaches were only discovered when Rescom began cutting into the ceilings and walls to complete the fire stopping work. The additional works were essential to properly access the soil stacks, and re-install fire collars or make other modifications to ensure the safety and integrity of the living spaces. Addressing these issues were crucial to prevent any risks associated with non-compliance. The Applicant approached the contractors Rescom and Optimum to quote for the additional remedial works. Rescom submitted a quote at £17,000 excluding VAT and Optimum's quote amounted £51,840 excluding VAT. The Applicant appointed Rescom to carry out the additional works.*" Work began on 2 December 2024 for an 8-week period.

20. The Applicant decided that the works should be regarded as one set of works and that it was not prudent to commission these works as a separate job, to avoid incurring additional costs for call-outs and labour, and appointed Rescom to complete the additional works.

21. On 20 November 2024 the Applicant held a residents' meeting to discuss the scope of works, the timeframe, the costs and the lease terms and on 28 November 2024 a statement of estimates was sent to the leaseholders and confirmation of their qualifying status under the Building Safety Act. The Applicant informed the Tribunal that no leaseholder opposed the works. In addition, we found no evidence that any objections to the Application was submitted.

22. The Tribunal is satisfied that making compartmentalisation and doors fire-safe, and making smoke detection compliant, is in the interests of the Respondents.

23. In the absence of any submissions from any Respondent objecting to the works or to the Application, or contending that granting the Applications would result in prejudice, the Tribunal finds no evidence that the Respondents would suffer prejudice in the event that the Application for dispensation from the consultation requirements was granted.

## **Determination**

24. 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 and Tenant Act 1985.

25. This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act as to the reasonableness and standard of the work and/or whether any service charge costs are reasonable and payable.

**Tribunal Judge L Brown**

## **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number) state the grounds of appeal and state the result the party making the application is seeking.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

Appendix  
List of Leaseholders

MAN/ooBP/LDC/2025/0605 - The Victory, 163-167 Union Street, Oldham OL1 1TD

Apartment 1	Goode Property Ltd
Apartment 2	Mr Kevin Pilkington and Ms Sharon Smith
Apartment 3	Mr Ian and Mrs Carole Foy
Apartment 4	Fozia Malik
Apartment 5	Olabosip Phillips and Medupe Afolabi
Apartment 6	Ms Marina Recinelli
Apartment 7	Mr Jonathan Garratt
Apartment 8	Mr Martin Withers
Apartment 9	Goode Property Ltd
Apartment 10	Mr Douglas Ault
Apartment 11	Mr Stephen and Mr David McNicholas
Apartment 12	Mr Amjad Raja
Apartment 13	Mr Stephen and Mr David McNicholas
Apartment 14	Mr Scott Weston
Apartment 15	Mr Jonathan Garratt
Apartment 16	Mr Douglas Ault
Apartment 17	Zulfiqar Ali
Apartment 18	Mr Gordon Brown
Apartment 19	M Peter Brown
Apartment 20	Mr Kamran Ali
Apartment 21	Mr Stephen and Mr David McNicholas
Apartment 22	Ms Susan Ashworth
Apartment 23	Mr Stephen and Mr David McNicholas
Apartment 24	Decorideal Ltd
Apartment 25	Mr Douglas Ault
Apartment 26	Mr Jonathan Garratt
Apartment 27	Ms Susan Ashworth
Apartment 28	The Estate of the late Mr Vincent Hall
Apartment 29	Mr Mohammed Sharif
Apartment 30	Mr Mohammed Sharif
Apartment 31	Milk Lab UK Ltd
Apartment 32	Mr Ian and Mrs Carole Foy
Unit 1	Oldham Borough Council
Unit 2	Oldham Borough Council