



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

Case Reference : **MAN/30UF/LDC/2025/0661**

Property : **Grimshaw Place, Grimshaw Street, Preston,
PR1 3BW**

Applicant : **Grimshaw Place (Preston) Management
Company Limited**

Respondent : **The Residential Long Leaseholders**

**Type of
application** : **s.20ZA of the Landlord and Tenant Act 1985**

**Tribunal
members** : **Judge S. Westby
Mr H. Lewis FRICS**

DECISION

Decision

Pursuant to s.20ZA of the Landlord and Tenant Act 1985, the Tribunal grants dispensation from the consultation requirements of s.20 of the Landlord and Tenant Act 1985 in relation to the installation of a Grade 5 fire alarm system throughout Grimshaw Place.

Background

1. This is an application under s.20ZA of the Landlord and Tenant Act 1985 (“the Act”) to dispense with the consultation requirements of s.20 of the Act. These requirements (“the consultation requirements”) are set out in the Service Charges (Consultation Requirements) (England) Regulations 2003 (“the Regulations”).
2. The application is made in respect of Grimshaw Place, Grimshaw Street, Preston, PR1 3BW (“the Property”). The Property comprises of an original two storey block with later additions comprising of three, four storey apartments blocks located in the city of Preston in Lancashire,
3. The Applicant, Grimshaw Place (Preston) Management Company Limited, is the management company for the Property.
4. The Applicant has provided a list of the long leaseholders of the flats within the Property, who are the Respondents in this matter. A list of the Respondents is set out in the annex hereto.
5. The flats located within the Property are subject to long residential leases. The Tribunal has a copy of the long lease for flat 35 and proceeds on the assumption that all the long leases are granted on similar terms. The lease sets out, in the fifth schedule, the services the Applicant has covenanted to provide, subject to the tenant paying the service charge. This includes, at paragraph 5 of the fifth schedule, a covenant to *‘do or cause to be done all works installations act matters and things as in the reasonable discretion of the Landlord may be considered necessary or desirable for the proper maintenance safety amenity and administration of the Buildings’*. The ‘Buildings’ is defined in the lease as being the buildings erected on the Grimshaw Place development.
6. On or around 16 May 2026, the Applicant received two enforcement notices from Lancashire Fire and Rescue Service, one numbered 14157 (“Enforcement Notice 1”) and the other numbered 14158 (“Enforcement Notice 2”), together “the Enforcement Notices”. Enforcement Notice 1 included, at item number 1 of its schedule, that the Applicant should ‘review [its] fire risk assessment

consulting NFCC guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built block of flats'. This was required by the Fire and Rescue Service following a Fire Risk Appraisal of the External Wall ("FRAEW"), dated 24 March 2025, which identified 'external wall systems on Block B of the Property which may contribute to rapid fire spread if involved in fire'. Enforcement Notice 1 went on to say that 'an updated fire risk assessment should be conducted with particular focus on discrepancies/ambiguities in the current [fire risk assessment] in relation to the fire alarm and evacuation strategy'.

7. Enforcement Notice 2 also required the Respondent to review the fire risk assessment '*along with the findings and recommendations of the FRAEW*'.

The Law

8. Section 18 of the Act defines what is meant by "service charge". It also defines the expression "relevant costs" as:

'the costs or estimated costs incurred or to be incurred by or on behalf of the landlord, or a superior landlord, in connection with the matters for which the service charge is payable'.

9. Section 19 of the Act limits the amount of any relevant costs which may be included in a service charge to costs which are reasonably incurred, and s.20(1) provides:

'Where this section applies to any qualifying works ... the relevant contributions of tenants are limited ... unless the consultation requirements have been either—

- (a) *complied with in relation to the works ... or*
- (b) *dispensed with in relation to the works ... by the appropriate tribunal'*.

10. "Qualifying works" for this purpose are works on a building or any other premises (s.20ZA(2) of the Act), and s.20 applies to qualifying works if relevant costs incurred in carrying out the works exceed an amount which results in the relevant contribution of any tenant being more than £250.00 (s.20(3) of the Act and regulation 6 of the Regulations).

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

'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 ... the Tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements'.

12. Reference should be made to the Regulations themselves for full details of the applicable consultation requirements. In outline, however, they require a landlord (or management company) to:
- give written notice of its intention to carry out qualifying works, inviting leaseholders to make observations and to nominate contractors from whom an estimate for carrying out the works should be sought.
 - obtain estimates for carrying out the works, and supply leaseholders with a statement setting out, as regards at least two of those estimates, the amount specified as the estimated cost of the proposed works, together with a summary of any initial observations made by leaseholders.
 - make all the estimates available for inspection; invite leaseholders to make observations about them; and then to have regard to those observations.
 - give written notice to the leaseholders within 21 days of entering into a contract for the works explaining why the contract was awarded to the preferred bidder if that is not the person who submitted the lowest estimate.

The Applicant's Submissions

13. The Applicant states that the works required to be carried out, and for which it seeks dispensation, is the installation of a new Grade 5 fire alarm system throughout the development ("the Works"). This, it says, will follow the findings of the FRAEW and comply with the Enforcement Notices. The Applicant alleges that, without the Works taking place, there is a risk that Lancashire Fire and Rescue Service will issue a prohibition notice, prohibiting or restricting access to the Property.
14. The Applicant deems the Works to be of an urgent nature due to the Enforcement Notices received from Lancashire Fire and Rescue and the safety of all residents within the Property. The Applicant states that due to the nature and urgency of the Works it is not able to formally consult the Respondents pursuant to s.20 of the Act.
15. The Tribunal has not been provided with any quotes or estimates of the cost of carrying out the Works. The application form from the Applicant states that, at the date of the application (19 August 2025), the Works had not been started or carried out. There is no further information or evidence in the bundle as to whether, as at the date of the Tribunal's determination on 22 January 2026, the Works had commenced or been completed.
16. The Works are clearly 'qualifying works' within the meaning of s.20ZA(2) of the Act.

17. As there is no evidence as to the costs, or estimated costs, of the Works, the Tribunal cannot determine whether the Works are works in respect of which each lessee will have to contribute more than £250 by way of service charge. However, it is reasonable to assume that each lessee will have to contribute more than £250 to the Works by way of service charge, otherwise there would be no need for the Applicant to make an application to the Tribunal for dispensation, as no s.20 consultation would be required.
18. The Tribunal issued directions on 30 October 2025. It considered that the application could be resolved by way of submission of written evidence but invited any of the parties to apply for a hearing if so desired. No such application has been made and the Tribunal therefore convened on 22 January 2026 to consider the application in the absence of the parties.
19. Paragraph 3 of the directions required the Applicant to send to the Tribunal and the Respondent a bundle of documents upon which the Applicant sought to rely in support of its application for dispensation. Paragraph 4 of the directions provided that any respondents who opposed the application were to submit written representations to the Tribunal. Paragraph 5 allowed the Applicant to submit a final written statement in reply before the Tribunal made its determination.

Reasons for the decision

20. The only issue for the Tribunal to determine in this matter is whether it is reasonable to dispense with the s.20 consultation requirements.
21. These requirements ensure that tenants are provided with the opportunity to know about the works, why the works are required, and the estimated cost of those works. Importantly, it also provides tenants with the opportunity to provide general observations and nominations for possible contractors. The landlord must have regard to those observations and nominations.
22. The Tribunal had regard to the principles laid down in *Daejan Investments Ltd. v Benson* [2013] 1 WLR 854 upon which its jurisdiction is to be exercised.
23. The consultation requirements are intended to ensure a degree of transparency and accountability when a landlord decides to undertake qualifying works. It is reasonable that the consultation requirements should be complied with unless there are good reasons for dispensing with all or any of them on the facts of a particular case.
24. It follows that, for the Tribunal to decide whether it was reasonable to dispense with the consultation requirements, there needs to be a good reason why the

Works should not be delayed. In considering this, the Tribunal must consider the prejudice that is caused to tenants by not undertaking the full consultation while balancing this against the risks posed to tenants by not taking swift remedial action. The balance is likely to be tipped in favour of dispensation in a case in which there was an urgent need for remedial or preventative action, or where all the leaseholders consent to the grant of a dispensation.

25. In the present case, it is clear the Works are necessary and urgent. Enforcement Notices have been issued by Lancashire Fire and Rescue which indicate that a serious safety risk has been identified. The Enforcement Notices state that the notices are necessary to ensure that people are adequately protected in case of fire.
26. The Tribunal finds that it is reasonable for the Works to proceed without the Applicant first complying with the s.20 consultation requirements. The balance of prejudice favours permitting such works to proceed without delay.
27. None of the Respondents have opposed the Applicant's application to this Tribunal and there is no evidence to contradict that of the Applicant.
28. The Tribunal emphasises the fact that it has solely determined the question of whether it is reasonable to grant dispensation from the consultation requirements. The Respondents have the right, should they desire to do so, to make an application to the Tribunal under s.27A of the Landlord & Tenant Act 1985 as to the reasonableness and recoverability of the costs incurred as a service charge in respect of the Works.

Tribunal Judge S. Westby
26 January 2026

Annex

Flat Number:	Leaseholder:
1	Astro Residential Properties Lettings & Management Ltd
2	Mr M. Lawler
3	Mrs K. Baker
4	Mr M. Feeley
5	Mr A. Stevens
6	Mrs E. Hodges
7	Mr B. Kirkpatrick
8	Mr S. Lockyer

9	Mrs R. Brammer
10	Miss S. Sacofsky
11	Mr M. Lovatt
12	Miss E. Sanchez & Mr M. Double
14	Mr B. Whybro
15	Mrs L. Ying
16	Miss A. Sharma
17	Ms J. Girdziusaite
18	Ms R. Wenham
19	Mr I. Shah
20	Mr Kiprianos
21	Miss J. Sobiechowska
22	Mr & Mrs Budzan
23	Mr M. Galbraith
24	Mr P. Moffatt
25	Mr & Mrs Sharkey
26	Mr A. Williams
27	Mr J. Fox
28	Ms R. Aslam
29	Mr I. Desai
30	Mr M. Golding
31	Cast Properties Limited
32	Mr & Mrs Coleman
33	Mr & Mrs Thompson
34	Mr M. Stephens, Ms L. Heaton & Mr D. Chambers
35	Mr N. Hudson
36	Mr J. McGuinness
37	Mr P. Sadler
38	Mr N. Coleman
39	Ms A. Sharma
40	Mr & Mrs Timol
41	Mr S. Sacofsky
42	Mr & Mrs Savage
43	Mr & Mrs D. O'Driscoll

RIGHT OF APPEAL

A person wishing to appeal against this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional Office, which has been dealing with the case.

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.

If the person wishing to appeal does not comply with the 28-day time limit, that 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-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

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.