



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

<b>Case Reference</b>	<b>:</b> <b>MAN/ooBN/LDC/2025/0615</b>
<b>Property</b>	<b>:</b> <b>Flats 1 to 64, Eden Square, 12 Flixton Road, Manchester, M41 5ND</b>
<b>Applicant</b>	<b>:</b> <b>Plantview Limited</b>
<b>Represented by</b>	<b>:</b> <b>Residential Management Group Ltd</b>
<b>Respondents</b>	<b>:</b> <b>Various Residential Long Leaseholders – See Annex A</b>
<b>Type of Application</b>	<b>:</b> <b>Section 27A Landlord and Tenant Act 1985 – Section 20ZA</b>
 <b>Tribunal Members</b>	 <b>:</b> <b>J Fraser FRICS J Gittus MRICS</b>
 <b>Date of determination</b>	 <b>:</b> <b>9<sup>th</sup> December 2025</b>
 <b>Date of decision</b>	 <b>:</b> <b>6<sup>th</sup> February 2026</b>

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**DECISION**

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## DECISION

1. The application to dispense with the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 and The Service Charges (Consultation Requirements) (England) Regulations 2003, in respect of the Works carried out at the property, is granted.
2. The Works carried out comprise fire compartmentation in the risers and bin stores with a total cost of £27,176.71 inclusive of VAT. No other works are included in this application and determination.

## REASONS

### Background

3. This is an application made by Plantview Limited (“the Applicant”) for dispensation of the consultation requirements imposed by Section 20 of the Landlord and Tenant Act 1985 (“the Act”) and The Service Charges (Consultation Requirements)(England) Regulations 2003 (“the Consultation Requirements”) for the installation of fire compartmentation to the risers and bin stores at Flats 1 – 64, Eden Square, 12 Flixton Road, Manchester, M41 5ND (“the Property”).
4. Directions were given by the Tribunal on the 20<sup>th</sup> August 2025, inter alia, it was stated that the matter would be determined by way of written submissions and that the parties were invited to inform the Tribunal if they wished to make oral representations at a hearing. No such applications have been received by the Tribunal and the determination has proceeded based on the written submissions provided to us.
5. We have not inspected the Property, it is described in the application as follows:

*Flats 1-64, 12 Flixton Road – two storey blocks of 64 flats and Flats 1a-12a, 5 Golden Way – one storey blocks of 12 flats. Both blocks have one single communal entrance, situated on the ground floor level between the shop units, leading to a raised link walkway leading to a single 13 person passenger lift accessing the upper floors. Both buildings form the upper storeys over shop units that together form the Eden Square Shopping Centre in this mixed-use area of Greater Manchester. 5 Golden Way has a shared office with Inclusion Housing, who acts as a social landlord for vulnerable adults and whom reside within this block.*

6. It is the block at 12 Flixton Road where the relevant works were carried out. The cost of the fire compartmentation works is stated as being £18,937.80 for the work to the risers and £8,238.91 to the bin stores, a total of £27,176.71 inclusive of VAT.

### The Law

7. Section 20 of the Act provides:

- (1) *Where this section applies to any qualifying works or qualifying long term agreement, the relevant contributions of tenants are limited in accordance with subsection (6) or (7) (or both) unless the consultation requirements have been either-*
  - (a) *complied with in relation to the works or agreement, or*
  - (b) *dispensed with in relation to the works or agreement by (or on appeal from) a tribunal*
- (2) *In this section “relevant contribution”, in relation to a tenant and any works or agreement, is the amount which he may be required under the terms of his lease to contribute (by the payment of service charges) to relevant costs incurred on carrying out the works or under the agreement*
- (3) *This section applies to qualifying works if relevant costs incurred on carrying out the works exceed an appropriate amount.*
- (4) *The Secretary of State may by regulations provide that this section applies to a qualifying long term agreement-*
  - (a) *if relevant costs incurred under the agreement exceed an appropriate amount, or*
  - (b) *if relevant costs incurred under the agreement during a period prescribed by the regulations exceed an appropriate amount.*
- (5) *An appropriate amount is an amount set by regulations made by the Secretary of State; and the regulations may make provision for either or both of the following to be the appropriate amount-*
  - (a) *an amount prescribed by, or determined in accordance with, the regulations, and*
  - (b) *an amount which results in the relevant contribution of any one or more tenants being an amount prescribed by, or determined in accordance with the regulations.*
- (6) *Where an appropriate amount is set by virtue of paragraph (a) of subsection (5), the amount of the relevant costs incurred on carrying out the works or under the agreement which may be taken into account in determining the relevant contributions of tenants is limited to the appropriate amount.*
- (7) *Where an appropriate amount is set by virtue of paragraph (b) of that subsection, the amount of the relevant contribution of the tenant, or each of the tenants, whose relevant contribution would otherwise exceed the amount prescribed by, or determined in accordance with, the regulations is limited to the amount so prescribed or determined”*

8. In the event the requirements of Section 20 have not been complied with, or there is insufficient time for the consultation process to be implemented, then an application may be made to the First-tier Tribunal pursuant to section 20ZA of the Act.
9. Section 20ZA of the Act provides:
  - (1) *Where an application is made to a tribunal for a determination to dispense with all or any 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 section (3) an agreement entered into, by or on behalf of the landlord or a superior landlord, for a term of more than twelve months.*
10. In **Daejan Investments Ltd v Benson [2013] UKSC 14** it was determined that a Tribunal, when considering whether to grant dispensation, should consider whether the tenants would be prejudiced by any failure to comply with the Consultation Requirements.
11. In **Wynne v Yates and others [2021] UKUT 278 (LC)** Upper Tribunal Judge Elizabeth Cooke said at paragraph 39:

*“There must be some prejudice to the tenants beyond the obvious fact of not being able to participate in the consultation process.”*
12. In **Marshall v Northumberland & Durham Property Trust Ltd [2022] UKUT 92 (LC)** at paragraph 64 Deputy Chamber President Martin Rodger KC said:

*“Mr Marshall QC submitted that an absence of prejudice cannot be assumed simply because there is a need to undertake work urgently (by which I mean within too short a period to allow the full statutory procedure to be followed). I agree.”*
13. Therefore, the Tribunal must consider whether the Respondents would suffer prejudice by granting the Applicant dispensation from the Consultation Requirements. In the first instance, it is for the Respondents to identify the prejudice caused.

### **The Applicant’s submission**

14. The Applicant’s submission is that the need for the works came to light following a failure to comply with recent changes to the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety (England) Regulations 2022. This

was brought to light by a Fire Safety Audit, carried out on the 27<sup>th</sup> July 2023 by a Fire Safety Officer from Greater Manchester Fire & Rescue Service. Following, on the 22<sup>nd</sup> August 2023, Osterna, the site's Health and Safety contractor carried out an annual Fire Risk Assessment and identified multiple deficiencies in fire safety and prevention measures. The site maintenance contractor, Beara Properties Ltd, carried out works in 2023 which were reported as complete, but it has since become apparent that the works were not of a sufficient standard. The Applicant approached the site emergency contractor, Rescom Ltd, to carry out a survey and to provide a quote for works, including the compartmentation works.

15. On 17<sup>th</sup> November 2023, the Applicant received an Enforcement Notice from GMCA (Greater Manchester Combined Authority) relating to the Fire Officer's findings from the audit carried out 27<sup>th</sup> July 2023. This enforcement notice identified failings to comply with the changes to the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety (England) Regulations 2022.
16. The Enforcement Notice stated a statutory deadline for compliance of 15<sup>th</sup> February 2024 and the Applicant therefore considered the works to be urgent. They informed the Fire Officer that Rescom would carry out the works and considered the works to be urgent. On this basis they say that there was insufficient time to comply with the Consultation Requirements.
17. The Applicant states that the contractor chosen has the skillset and relevant qualifications and that the works were completed to satisfaction. They submit that no leaseholders have opposed the works and no observations were received following the application for dispensation.

## **The Respondent's submissions**

18. The Respondents have not provided any submissions to the Tribunal and the Applicant has confirmed that they have not received any responses from the Respondents.

## **Determination**

19. The Tribunal is being asked to exercise its discretion under section 20ZA of the Act. Section 20ZA (1) provides the Tribunal may do so where "*if satisfied that it is reasonable to dispense with the requirements*".
20. The only issue for the Tribunal to consider is whether granting dispensation would result in prejudice to the Respondents. In the absence of any submissions from any Respondent objecting to the works or to the Application, or contending that granting the Application 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 were granted.
21. The Applicant has set out their reasons for failing to comply with the Consultation Requirements and, they submit, had no choice but to proceed with

the works urgently to comply with the Enforcement Notice. Urgency alone is not sufficient to establish that there is no prejudice to the Respondents. However, as no submissions have been made by the Respondents, the Tribunal is unable to identify any prejudice. Accordingly, dispensation is granted, limited to the works set out above, namely the Fire Safety Compartmentation works to the risers and bin stores totalling £27,176.71 inclusive of VAT.

22. 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.

Signed: J Fraser  
Chair of the First-Tier Tribunal  
Date: 6<sup>th</sup> February 2026

### **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 to appeal 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 be 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 applications 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 rounds 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).

## **Annex A – List of Respondent Leaseholders**

1. Ms Margaret Kelly
2. Mr Andrew Brookfield
3. Mr Glyn & Mrs Christine Jones
4. Mr John Greenway
5. Mr & Mrs Mingkie Wu
6. Holt Whiteley
7. Mr Dominic Crompton
8. Ms Marcelle Lock
9. Miss Wendy Sheehan
10. Ms Susan McMahon & Mr Sean McMahon
11. Samir Ullah
12. The Larkrise Group Ltd.
13. Mr Ian P Teasdale & Mrs Jillian L Teasdale
14. Mr Daniel & Mrs Angela Maher
15. Mr Steven Kitchen & Mrs Georgina Kitchen
16. Mr Keith Jamieson
17. ACIP Ltd.
18. Mr Steven Johnson
19. Mr Daniel Horan
20. Mr Scott Brierley
21. Mr Mark & Mrs Angela Horobin
22. Mr Daniel Regan
23. Mr Paul Decalmer
24. Mr Andrew Evans
25. Mr David Grinsey & Mrs Jennifer Grinsey
26. Mr Fidelis Osuide & Mrs Morenike Osuide
27. Mr Paul Andrew Malone
28. Mr David Bellamy
29. Ms Kimberley Ramsbottom
30. Mr David McCall & Mrs Susan McCall
31. Ms Sheila Bowater
32. GW Property One Ltd
33. Mrs Angela & Mr Daniel Cramer
34. Mr Stuart Davies
35. Mrs Heather Jackson
36. Ms Julie Anne Herron
37. Mr Simon Mills
38. Mr Michael Chicken & Mr Scott Arnott c/o Thompson Taraz LLP
39. Mr Daniel Trunkfield
40. Mr Peter Scanlon
41. Miss Daphney Thompson
42. Mr Raymond Butcher
43. Mr Eamonn Grogan & Mrs Anne Grogan
44. Mr Ross A Grant
45. Mr Mark Allen
46. The Larkrise Group Ltd.
47. Great Places Housing Association.
48. Ms Jemima Bissett
49. Jody Ann Findley
50. Ms Roisin Rendel-Brown & Mr James Brown
51. Ms Victoria Louise Stockton
52. Mr Iain Jackson