



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

Case Reference	:	HAV/00HC/LDC/2025/0677
Property	:	110 The Quay, Newfoundland Way, Portishead, BS20 7QF
Applicant	:	Adriatic Land 3 Limited (incorporated in Guernsey)
Representative	:	S Gibson, counsel (instructed by JB Leitch Ltd)
Respondents	:	Long Leaseholders of the Property
Type of Application	:	Application for dispensation- s.20ZA Landlord and Tenant Act 1985
Tribunal Members	:	Judge Dovar J Herrington
Date and venue of Hearing	:	4 th December 2025, Remote
Date of Decision	:	23 rd January 2026

DECISION

1. This is an application for dispensation with the statutory consultation requirements imposed by s.20 of the Landlord and Tenant Act 1985 in respect of works carried out to the fire alarm in the Property.
2. The Property is a seven-storey residential block comprising over 100 apartments, constructed in around 2013. It appears that this is therefore a higher risk building for the purposes of the Building Safety Act 2022 and it also appears that it suffers from cladding issues and has historically had periods where it was necessary to engage a waking watch monitoring system.
3. In 2022, a new fire alarm system was installed in the Property by a firm called Dovetail. This system was installed inside each flat and it is said by the Applicant's managing agents, Principle Estate Management, that this enabled the waking watch which had then been engaged, to be stood down. However, the new system was not installed properly. In an email from Principle to one of the residents, dated 29th January 2025, they confirmed that

'Due to the poor job Dovetail did it has not been as straightforward as get calling someone [sic] to come and fix it. It requires rewiring and reprogramming '
4. A combined fire and health and safety risk assessment was carried out by Cardinus Risk Management at the instruction of the Applicant landlord in October 2024. It identified fire safety risks in the Property. In particular, there were issues with the automatic fire detection and maintenance, and the fact that the new fire alarm installation had not fitted a fire alarm in all the bedrooms of the flats. The Respondents were notified of these issues at the end of October and the fact that a waking watch would need to be implemented until the matter was remediated.
5. The Applicant sought to have Dovetail address the issues, but that company went into administration.
6. As a result, the Applicant needed to commission a new party to carry out the remedial works. In relation to those intended remedial works to the fire alarm system, a notice of intention was served on 27th January 2025 and a statement of estimates on 14th March 2025.
7. The former said the works were *'Repair and recommissioning work of the fire alarm system'*. The latter statement noted four tendering contractors, the most competitive tender was from MFS Fire and Security Systems at a total price of £59,533.26 inclusive of VAT.
8. The Tribunal was not provided with a specification of those works, but the Applicant's statement of case set out the following as the works quoted for:

“Core 1; Re-wire the complete system to create loop, remove all detection and replace primary and secondary batteries to ensure no battery failures. Re-instate all detections, sounders and transmitters in correct positions as per the survey carried out with Eurotech;

Core 2; Re-wire the complete system to create loop, remove all detection and replace primary and secondary batteries to ensure no battery failures. Re-instate all detections, sounders and transmitters in correct positions as per the survey carried out with Eurotech;

Core 3; Re-wire the complete system to create loop, remove all detection and replace primary and secondary batteries to ensure no battery failures. Re-instate all detections, sounders and transmitters in correct positions as per the survey carried out with Eurotech;

Install new cable to network all advanced panels including the landards;

FP200 Fire Cable;

Sygno-fi wireless optical smoke detector (device for bedroom identified with high risk external system);

Sygno-fi wireless heat detector;

Installation; and

Commissioning and Demonstration.”

9. Whilst the scope of these works goes beyond that identified by the Cardinus Assessment, they do fall within the general description of the works given in the notice of intention.
10. MFS were in fact instructed on 21st February 2025, i.e. before the statement of estimates. The works commenced on 17th March 2025 and completed around May 2025.
11. The Applicant contends it was necessary to commence works prior to the completion of the statutory consultation period given the urgency of the works, which arose from the lack of proper fire alarm system and the need to implement a costly waking watch patrol in the interim.
12. The following observations were made to the notice of intention:
 - a. An expression of concern with regard to the cost of the waking watch, the delay in progressing cladding works and the fire alarm works;

- b. It was pointed out that there was a serviceable fire alarm system in place as part of the development and objected to a new system or the more recent system that had been installed, incorrectly. It was considered that the corridor communal system was sufficient;
 - c. One flat owner asked what the cost per flat would be;
 - d. Another queried how the costs for the waking watch would be recovered, and also considered that the previous alarm installation by Dovetail was not done to an acceptable standard and queried how that was allowed to happen particularly when the cost of the system was paid for from a government fund. A concern was also raised that the leaseholders were now being asked to pay for a system that should have been installed properly by Dovetail using government funds.
- 13. None of these observations appear in the statement of estimates.
- 14. The Applicant has confirmed to the Tribunal that they have no record of any observations being received in relation to the statement of estimates.
- 15. This application is dated 3rd July 2025. In response, the following objections were raised:
 - a. From Flat 609, Mr Newman stated that the Property had a 'perfectly good fire alarm system' and that a new system had been installed which did not work properly. Further that the waking watch was only needed as a result of this new faulty system. Mr Newman clarified that his objection arose out of a concern that he would be liable for the costs of the system if he did not object. Further he considered that given the abortive previous works, the Applicant should shoulder the cost of the new works;
 - b. A number of other leaseholders (Mr Briggs (Flat 627), the Mortons (Flat 573), Ms Dolan (Flat 479) and Mr Penver (Flat 597) all provided the same objection, which was along similar lines to Mr Newman, namely that these works appeared to be needed because of a previous system that had not been installed properly. They also challenged the contention that there was insufficient time to adhere to the timeline required by s.20;
 - c. Ms Robbins also objected on the basis that the Applicant had sufficient time to comply with the s.20 timeline.
- 16. Mr Meech of Flat 583 supported the application, save that he reserved his rights regarding challenging the costs of the works and whether they were to a reasonable standard or reasonably incurred.
- 17. There were 5 forms from leaseholders in support of the applications.

Failure to consult

18. The Applicant has partially complied with the consultation requirements.
19. It has however failed to adhere to paragraph 4 of Part 2 of Schedule 4 of the Service Charges (Consultation Requirements) (England) Regulations 2003 in that it did not serve a statement of estimates prior to instructing a contractor and failed to set out the observations received when it did serve that statement.

Prejudice

20. As the Applicant has pointed out the relevant test on an application under s.20ZA is, following *Daejan v Benson* [2013] UKSC 14, whether there has been any prejudice to the leaseholders by the failure to follow the statutory consultation procedure.
21. The issues raised by the leaseholders both in response to what consultation there was and to this application concern issues with a faulty installation of the fire alarm system by Dovetail. Whilst that was a poor reflection of works that had been carried out in the past, it justified the need for the present works.
22. The objecting leaseholders also raise a query as to the need for a new system given that there was one already in place. However, the Cardinus assessment recognised that the new system was needed to support simultaneous evacuation system. In other words, an evacuation strategy rather than a stay put strategy which appears to be what was originally adopted.
23. Against that background the remedial works which are the subject of this application were in order to fix what was a poor installation by Dovetail, not least the failure to install detectors in all necessary rooms. Further the objecting Respondents did not provide any evidence that this work was not necessary and as they did not attend the hearing, they were not able to expand upon this point.
24. None of the points raised by the leaseholders demonstrate any material prejudice suffered as a result of the foreshortening of the consultation process. Had more time been given, it seems that MFS would still have been instructed to carry out the same work at the same price.
25. Finally, whilst the Applicant relies on urgency to justify their failure to consult, it is not clear how that is a relevant consideration, particularly where no prejudice has been demonstrated by the objecting Respondents.

Conclusion

26. Accordingly, the Tribunal is prepared to unconditionally waive the requirements under paragraph 4 of Part 2 of Schedule 4 of the Service Charges (Consultation Requirements) (England) Regulations 2003.
27. For the avoidance of doubt, this is not a determination under s.19 of the 1985 Act as to whether the sums incurred in relation to these works were reasonably incurred or whether the works were to a reasonable standard.

Appeals

A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk .

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, 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-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.