



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

**Case reference** : **MAN/00CJ/LDC/2025/0650**

**Property** : **2 Granville Road, Jesmond, Newcastle upon Tyne,  
NE2 1TP**

**Applicant** : **2 Granville Road RTM Company Limited**

**Representative** : **Brannen & Partners**

**Respondents** : **The residential long leaseholders**

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

**Tribunal Members** : **Mr J Platt FRICS, FTPI  
Mr N Foster FRICS  
Dr T Gledhill FRICS**

**Date of Paper Determination** : **27 January 2026**

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**DECISION**

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## DECISION

1. Pursuant to section 20ZA of the Landlord and Tenant Act 1985 the tribunal makes a determination to dispense with the requirement to consult with the Respondents on the electrical and ancillary works detailed within the Application dated 23 July 2025.

## REASONS

### The Application

2. The application (the Application') was made on 23 July 2025 by Brannen & Partners on behalf of 2 Granville Road RTM Company Limited (the Applicant'). It seeks dispensation under section 20ZA of the Landlord and Tenant Act 1985 ('the Act') in relation to the statutory consultation requirements prescribed by section 20.
3. Dispensation is sought for rewiring, remedial works to lighting circuits, emergency lighting and ancillary works at 2 Granville Road, Jesmond, Newcastle upon Tyne, NE2 1TP (the Property'). The property is made up of 7 flats, in a converted building. There is one main communal entrance door at the front of the property and one door at the rear of the property with a small yard space and bin storage. There is a basement which is where the electric meters are located. The 7 flat vary in size and number of bedrooms. There is one communal staircase in the property.
4. The Applicant is the Freeholder and Right to Manage Company managing the Property and the Respondents are the long leasehold tenants of the flats.
5. A sample lease evidences that the tenants' obligations include the payment of a variable service charge towards costs of services incurred by the Landlord (now the RTM Co). Those costs include: "The costs of periodically inspecting examining maintaining overhauling and where necessary replacing any and every part of the Reserved Property and the appurtenances thereof referred to in the Sixth Schedule hereto."
6. Directions were issued on 30 October 2025. The Applicant submitted a bundle of papers including a statement of case and supporting documents. The Applicant seeks dispensation based on its evidence that:

*Leaseholders of Flats 1-7, 2 Granville Road raised concerns to the Management Company (Applicant) regarding the emergency lights that are not working in the communal area.*

*Due to the urgency of this matter, dispensation was applied for to remove the need for the consultation process. However, the consultation process will still proceed in the background.*

*The internal lights on the upper floors are mainly defective. The lights are controlled by old neumatic push switch and the function test shows most lights failed. The distribution board in the basement is very old and will be replaced with a class1 unit, surge protection and individual RCBO's. The insulation resistance tests on the lightning circuits we had a reading of 0.02 ohms. The remaining circuits would still need to be rewired. Socket outlets, external lights and fire alarm. New lights will be fitted in the communal areas.*

7. None of the Respondents submitted a statement to the tribunal opposing the Application and the Applicant has confirmed that none of the Respondents has submitted any objections to the Application directly to itself.

8. The Applicant indicated that it would be content with a determination on the papers. The tribunal considered this to be appropriate because none of the Respondents opposed the Application, neither party had requested a hearing and because there was sufficient information before the tribunal to reach a decision. In view of the matters in issue, it was unnecessary to conduct an inspection of the Property.

### **The Law**

9. Extracts from sections 20 and 20ZA of the Act are reproduced in Schedule 1. Section 20ZA subsection (1) provides that the tribunal may make a determination to dispense with consultation requirements 'if satisfied that it is reasonable to dispense with the requirements'.
10. The tribunal considers the leading case on dispensation to be the Supreme Court decision in *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 ('*Daejan*'). In *Daejan*, Lord Neuberger stated that in deciding pursuant to section 20ZA whether it is reasonable to dispense with consultation requirements, a tribunal should consider whether any relevant prejudice would be suffered by the leaseholders. Lord Neuberger stated that whilst the legal burden of proof rests throughout on the landlord, the factual burden of identifying some relevant prejudice that they would or might have suffered rested on the tenants. Lord Neuberger went on to hold that a tribunal is permitted to grant dispensation on terms, including compensating leaseholders for any prejudice suffered by requiring a landlord to reduce the amount claimed as service charge, and including an order for costs.

### **Findings of fact and Reasons for decision**

11. None of the Respondents have submitted a statement of case opposing the Application. There is no evidence before the tribunal that any of the Respondents consider themselves to be prejudiced in any way by the absence of a section 20 consultation exercise.
12. The Applicant engaged with the Respondents on its proposals to undertake the Works.
13. The tribunal finds that there is no relevant prejudice identified by any Respondent, suffered as a consequence of the Applicant proceeding with the Works without first carrying out the section 20 consultation.
14. The Respondents have made no representation as to any condition the tribunal might impose in granting dispensation, and there is no evidence of any cost being incurred by the Respondents that should appropriately be met by the Applicant.
15. In these circumstances, the tribunal considers it reasonable to dispense with consultation requirements unconditionally. Accordingly, the tribunal makes a determination, under section 20ZA of the Act, to dispense with the requirement to consult with the Respondents under section 20 in relation to the Works.
16. The tribunal expresses no view as to whether any costs associated with the Works are reasonable in amount, whether the Works were necessary or of a reasonable standard or whether the costs intended to be recovered by way of service charge are contractually payable under the leases or within the meaning of 'relevant costs reasonably incurred' in sections 19 and 27A of the Act. No such applications are currently before this Tribunal and the Tribunal's decision does not include or imply any determination of such matters.

## **Schedule 1**

### **Extracts from legislation**

#### **Landlord and Tenant Act 1985**

##### Section 20

(Subsections (1) and (2):)

(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 under the agreement.

##### Section 20ZA

(Subsection (1))

(1) 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.