FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**MAN/00CG/LDC/2025/0618**
Property	**:**	**Holywell Heights, Sheffield S4 8AU**
Applicant	**:**	**Holywell Heights Management Limited**
Representative	**:**	**Trinity (Estates) Property Management Limited**
Respondents	**:**	**The Residential Long Leaseholders**
Type of Application	**:**	**Application for dispensation under s.20ZA of the Landlord and Tenant Act 1985**
Tribunal Members	**:**	**Mr S Wanderer MRICS** **Mr H Thomas FRICS**
Venue	**:**	**Paper determination**
Date of Decision	**:**	**12 January 2026**

Decision

1. 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 fire safety remedial works comprising the installation of manual opening windows to improve smoke ventilation in six of the nine residential blocks at Holywell Heights, Sheffield, S4 8AU, carried out in February 2025 at a total cost of £29,167.00 plus VAT.

2. In granting dispensation, the Tribunal makes no determination as to whether any service charge costs are payable or reasonable.

Background

3. This is a retrospective 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").

4. The Application concerns Holywell Heights, Sheffield, S4 8AU, a residential development comprising nine purpose-built blocks.

5. The Applicant is Holywell Heights Management Limited, the management company for the Property.

6. Trinity (Estates) Property Management Limited acts as the managing agent on behalf of the Applicant.

7. The Respondents are the residential long leaseholders of the apartments at the Property.

8. The apartments leases, of which we were provided an example, include service charge provisions requiring leaseholders to contribute to the costs of maintaining the structure, common parts and essential services.

9. The works the Application relates to are "qualifying works" within the meaning of s.20ZA(2) of the Act and, the Tribunal is advised, are works in respect of which each lessee will have to contribute more than £250 by way of service charge. The Tribunal has not had sight of all of the leases.

10. The only issue for the Tribunal to determine in this matter is whether it is reasonable to dispense with the consultation requirements.

11. The Tribunal issued directions on 8 October 2025. It considered that the application could be resolved by way of submission of written evidence. No

application for a hearing has been made and the Tribunal therefore convened on 12 January 2026 to consider the application on the papers submitted.

History of the Works

12. On 25 April 2024, South Yorkshire Fire and Rescue ("SYFR") carried out an audit of the fire safety arrangements at the Property. Their findings, which were communicated to the Applicant on 1 May 2024, highlighted, inter alia, that six of the Property's nine blocks had insufficient or absent smoke ventilation (either automatic or manual) in protected stairwells and lobbies. In order to comply with The Regulatory Reform (Fire Safety) Order 2005, this was a matter requiring immediate attention.

13. SYFR provided an initial deadline to complete remedial works by December 2024. At the Applicant's request, this deadline was subsequently extended to March 2025.

14. The Applicant initiated the s.20 consultation process in June 2024. It is not necessary within this decision to describe the full history; suffice it to say, whilst there was communication with leaseholders about the works required, the consultation process was curtailed and the requirements of s.20 were not complied with.

15. In particular, the Applicant says it suspended the consultation process in January 2025 due to a lack of available funds at that point in time to pay for the works. By the time sufficient funds were raised, the Applicant proceeded with instructing the work without resuming the s.20 process in order to meet SYFR's March deadline.

16. On 12 March 2025, an application was made to dispense with the s.20 consultation requirements.

Grounds for the Application

25. The Application, cites the urgency of fire safety compliance arising from the SYFR audit; delays in obtaining contractor quotes; financial constraints requiring funds to be raised in January 2025; and the SYFR deadline of March 2025, compliance with which could not have been achieved if full consultation had been completed.

26. The Application notes that the consultation process was initiated but not completed.

27. In accordance with the Tribunal's Directions dated 8 October 2025, the Respondent leaseholders were all provided with copies of the Applicant's Bundle

and have had the opportunity to make submissions in response to the Application.

Response to the Application

29. The Tribunal has received almost no responses or objections to the Application from any of the Respondents.

30. The only response provided was received out of time and comprised a two-word email ("I object") sent by one leaseholder. The Tribunal invited the leaseholder to expand upon and particularise their objection, but they did not do so. In the circumstances, the Tribunal attaches minimal weight to the objection.

The Law

30. Section 18 of the Act defines what is meant by "service charge" and 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".

31. 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 that 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.

32. "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).

33. 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".

34. The consultation requirements can be summarised in brief as requiring a landlord to give written notice of its intention to carry out qualifying works, inviting leaseholders to make observations and to nominate contractors; obtain estimates and supply leaseholders with statements and summaries; make estimates available for inspection and invite observations; and give written notice within 21 days of entering into a contract explaining why the contract was awarded if not to the lowest bidder.

Reasons for the Decision

35. The Tribunal must decide whether it was reasonable for the works to proceed without the Applicant first complying in full with the s.20 consultation requirements. These requirements ensure that tenants are provided with the opportunity to know about the works, why the works are required, and the estimated cost, and to provide observations and nominations for contractors.

36. The Tribunal has 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.

37. 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 them on the facts of a particular case.

38. 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 and could not be delayed. In considering this, the Tribunal must consider the prejudice caused to tenants by not undertaking the full consultation while balancing this against the risks posed to tenants by not taking swift remedial action.

39. In the present case, the Tribunal finds the following factors to be particularly significant:

> (i) There was a serious and ongoing fire safety risk which needed to be addressed. Hand in hand with this went the legal/regulatory risk of failure to comply with the SYFR agreed action plan.
>
> (ii) The works undertaken (installation of opening windows to improve smoke ventilation) directly addressed the identified fire safety deficiency and were specifically prescribed as the necessary remedial measure.
>
> (iii) Whilst the s.20 process was not followed in full, there was a degree communication with leaseholders, which goes some way to reducing the prejudice to leaseholders if works were undertaken without any prior notice.
>
> (iv) No meaningful objections have been received from any of the leaseholders.

40. The Tribunal notes that the Applicant's decision to suspend the consultation process in January 2025 owing to the lack of available funds at that stage is somewhat questionable. It was open to the Applicant to continue with the consultation process even if was for the time being not in a position to proceed

with the works. The consultation process could have proceeded at the same time as funds were being raised. That said, as at the date of the Application, for the reasons set out in the previous paragraph, the Tribunal considers it reasonable to dispense with the consultation requirements.

41. The proper test for prejudice in dispensation applications was established in *Daejan*. In this case, there is no evidence that leaseholders have suffered any relevant prejudice. The works in question were clearly required and were of an urgent nature. This was a situation where, in addition to possible legal penalties for non-compliance with regulatory requirements, residents were exposed to ongoing safety risk each day that the remedial works were delayed.

42. The Tribunal emphasises that it has solely determined the question of whether or not it is reasonable to grant dispensation from the consultation requirements. This decision should not be taken as an indication that the Tribunal considers that the amount of the service charges resulting from the works is likely to be recoverable or reasonable; or, indeed, that such charges will be payable by the Respondents. The Tribunal makes no findings in that regard and, should they desire to do so, the parties retain the right to make an application to the Tribunal under s.27A of the Landlord and Tenant Act 1985 as to the reasonableness and payability of the costs incurred, as a service charge.

S Wanderer (Chairman)
12 January 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 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).