



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : **MAN/00BS/LDC/2025/0624**

Property : **15-17 Fairway View, Elisabeth Gardens, Stockport SK5 6GD**

Applicant : **LANDMARK (BOLTON) LTD**

Respondents : **ALAN GILLESPIE**
: **DIL & R ESTATES LTD**

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

Tribunal : **Tribunal Chair N Swain, MRICS**
Tribunal Member J O'Hare MRICS

Date of Decision : **13 February 2026**

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 works to 15-17 Fairway View, Elisabeth Gardens, Stockport SK5 6GD as described in Schedule 1.

REASONS

The Application

2. The application ('the Application') was made on 08 April 2025 by Landmark (Bolton) Ltd ('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 fire compartmentation improvement works to the Property to issues raised as a result of the latest fire risk assessment ('the Works').
4. The Works are to be carried out to 15-17 Fairway View, Elisabeth Gardens, Stockport SK5 6GD ('the Property'), comprising 2 self-contained residential apartments arranged over three storeys (the ground floor is common and service areas only). The Applicant is the freeholder for the Property and the Respondents are the leaseholders of the 2 residential apartments. A sample lease evidences a current lease term of 250 years commencing on 01 January 2018.
5. The Applicant's statement of case avers that:

The Applicant was made aware that there were significant fire safety breaches in the 15-17 Fairway View block.

They were found to fall short of Regulatory Reform (Fire Safety) Order 2005 requirements and presented risks of serious injury or fatality in case of fire.

The Applicant considered the degree of urgency to resolve the issue, prevent the spread of fire, and comply with the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety (England) Regulations 2022. Prompt actions were required.

Accordingly, prompt action was considered essential to prevent eventual damage and ensure compliance with the building safety regulations.

For the reasons set out above, it is averred that the leaseholders have not been prejudiced by the lack of the consultation process and that it is reasonable to dispense with the Consultation Requirements.
6. The Application seeks dispensation for the works detailed in Schedule 1.
7. Directions in the present case were issued on 13 October 2025. The Applicant submitted a bundle of papers including a statement of case and supporting documents.
8. On 21 December 2025, one of the Respondents, Dil & R Estates Ltd, emailed the Tribunal stating that they had not received the Applicants bundle and therefore, could not comply with the 21 day response time. Due to the Christmas period, the Tribunal was not made aware of this until 06 January 2026. This was considered by the Tribunal. Whilst the case went ahead on 09 January 2026 as planned, directions were given for the Applicant to resend the bundle to the Respondents within 7 days and for the Respondents to submit any comments within 14 days.

9. The Respondent, Dil & R Estates Ltd, emailed indicating that they were travelling and needed more time to give a response, but gave no indication as to how long they were travelling for. The Tribunal considered this and allowed a further 7 days for any comments to be submitted. None were received. The Applicant has confirmed that none of the Respondents has submitted any objections to the Application directly to itself.
10. 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. It was unnecessary to conduct an inspection of the Property in view of the matters in issue.

The Law

11. Extracts from sections 20 and 20ZA of the Act are reproduced in Schedule 2. 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'.
12. The Tribunal considers the Supreme Court case of *Daejan Investments Limited v Benson and Others* [2013] UKSC 14 ('*Daejan*') to be the leading case on dispensation. 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

13. 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.
14. The Applicant engaged with the Respondents on its proposals to undertake the Works, though not through formal consultation, and there were no objections.
15. 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.
16. 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.

17. 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.
18. The Tribunal expresses no view as to whether any costs associated with the Works are reasonable in amount, whether the Works are of a reasonable standard or whether the element intended to be recovered by way of service charge is payable, within the meaning of sections 19 and 27A of the Act. The Tribunal's decision does not include or imply any determination of such matters.

Schedule 1

'the Works'

1. Installation of rockwool fire batts
2. Application of sealant