



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

Case Reference : **MAN/00BL/LDC/2025/0641**

Property : **Clarendon Gardens, Bromley Cross,
Bolton, Lancashire, BL7 9GW**

Applicant : **RMB 102 Limited**

Respondents : **The Residential Long Leaseholders**

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

Tribunal Members : **Judge S Wickham
Judge A Davies
Mr H Thomas FRICS**

Date : **13 March 2026**

DECISION

DECISION

The Tribunal grants dispensation from the consultation requirements of section 20 of the Landlord and Tenant Act 1985 under section 20ZA of that Act in respect of qualifying remedial works to fire doors at the Property.

The Application

1. In their application dated 23 June 2025, the Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the **Act**”) for dispensation from consultation in respect of remedial works to communal fire doors at the Property.
2. The Service Charge (Consultation Requirements) Regulations 2003 provide that consultation requirements are triggered if the landlord plans to carry out qualifying works which would result in the contribution of any leaseholder exceeding £250. If the consultation procedure is not followed, each leaseholder’s contribution to the cost is limited to £250. The cost of the remedial works to the communal fire doors in the subject application exceeds this threshold.
3. By directions dated 3 December 2025 (“the **Directions**”), the Tribunal directed the Applicant to provide a bundle of documents to the Tribunal consisting of (amongst other documents) i) a full statement of case explaining why the application has been made; ii) any correspondence sent to the leaseholders in relation to the works; iii) detailed reasons for any urgency of the works and the consequences upon lessees of any delay; and iv) any quotes or estimates for the proposed works and relevant reports (including full details of attempts made by the Applicant to obtain quotes or estimates). The Tribunal also directed the Applicant to send each of the Respondents a copy of the Tribunal bundle.
4. Following an application by the Applicant on 19 January 2026, an extension of time was granted to the Applicant to provide the Tribunal bundle. The Directions were subsequently varied on 3 March 2026 providing that the Applicant had to provide any final statements to the Tribunal two days before the hearing.
5. The Directions required any Respondent who opposed the application, to send to the Applicant and the Tribunal, any statement they wish to make in response to the Applicant’s case. The Tribunal has received no such statements or replies from the Respondents.
6. The Directions provided that the Tribunal would decide the matter on the basis of written submissions and without an inspection of the Property unless any party requested a hearing and/or an inspection. No such request has been made.

The Applicant’s case

7. The Property consists of three purpose built residential blocks, consisting of 40 flats. The Property is part of larger estate (the “Estate”) which also includes self-contained dwelling houses. The Respondent’s leases are in similar terms, and both a sample and a template have been provided to the Tribunal as the sample had some pages missing. In the fifth schedule, the Applicant covenants “to keep... in a good and substantial state of repair condition and decoration...the main structure and exterior of the Building including the foundations and the roof ...[and including] the main entrances, passages, landings, staircases, lifts and other common areas of the Building...” The “Building” is defined as the building or buildings of which the Apartment hereby demised forms part. The “Apartments” are defined as the apartments forming part of the Building and “Apartment” has corresponding meaning.
8. In its application, the Applicant explained that on 26 March 2025 it served a notice of intention on the Respondents in respect of the remedial works required to the fire doors before then obtaining three quotes, as evidenced to the Tribunal in its bundle. The Applicant instructed the contractor company who had provided the lowest quote. As this quote meant the works would be below the threshold for consultation under the Act, the Applicant did not serve notice of estimates, but simply notified the Respondents that the works would be commencing in a letter dated 12 May 2025. A copy of this letter was provided to the Tribunal in the Applicant’s bundle. As the work progressed, in particular when the fire doors and frames were removed, it became apparent that additional works would be required to the fire doors and a revised quotation was provided by the contractor. These additional works meant the overall costs of the remedial works fell within the consultation procedure.
9. The Applicant’s case is that it was not reasonably practicable to then undertake the statutory consultation process in respect of the remedial works because the works had begun and needed completion without delay for fire safety reasons.
10. This application for dispensation was made on 23 June 2025 as completion of the remedial works were considered to be urgent for the reasons detailed at paragraph 9 above.

The Respondent’s case

11. No Respondents objected to the application.
12. The Tribunal did receive a statement of case from a Mr Craig Ainsworth of 5 Clarendon Gardens (a dwelling house at the Estate) asking for clarification as to whether he was a Respondent or not. Mr Ainsworth confirmed all properties at the Estate pay a service charge, but believed he should not be a Respondent in the circumstances and therefore liable to pay for the works because they related and benefited the Property only. The Applicant’s managing agent, Premier Estates Limited,

confirmed by written e-mail on 23 January 2026 that Mr Ainsworth, as one of the dwelling house owners at the Estate, would not be required to contribute to the works, and that the reserve fund Mr Ainsworth contributes to will not be used to offset the costs of the remedial works. The Tribunal was therefore satisfied that Mr Ainsworth was not a respondent and did not have regard to Mr Ainsworth statement of case in making its determination.

Determination and Reasons

13. Section 20ZA 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 or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.”

14. The whole purpose of section 20ZA is to permit a landlord to dispense with the consultation requirements of section 20 of the Act if the Tribunal is satisfied that it is reasonable for them to be dispensed with.

15. The Tribunal has taken account of the Supreme Court decision in *Daejan Investments Limited v Benson and others* [2013] UKSC 14, in which Lord Neuberger, in summary, said that the tribunal should focus on the extent, if any, to which the tenants were prejudiced in either paying for inappropriate works or paying more than would be appropriate as a result of the failure by the landlord to comply with the regulations. He described such prejudice (paragraph 65 of his judgment) as a disadvantage *“which they would not have suffered if the requirements had been fully complied with, but which they will suffer if unconditional dispensation were granted”*. It is for the leaseholders to show that they have been prejudiced, and it *“does not appear onerous to suggest that the tenants have an obligation to identify what they would have said [by way of representations in response to a section 20 consultation], given that their complaint is that they have been deprived of the opportunity to say it”* (at paragraph 69 of the judgement).

16. There is no evidence before the Tribunal that the Respondents were prejudiced by the failure of the Applicant to comply with the consultation requirements in relation to the works. The Tribunal notes in particular the Applicant’s reasons for making the application as detailed at paragraph 9 above, including both the fact that works had begun when it became apparent that the cost would fall within the consultation procedure, and the fact the works then needed completing as soon as possible as they involved fire safety. It is also noted that the works were completed more than six months ago, and the Respondents have raised no objections to the application.

17. The Tribunal is therefore satisfied that it is reasonable to grant dispensation with all or any of the consultation requirements set out in section 20 of Act in respect of the remedial works required to the fire door undertaken at the Property.
18. This decision does not affect the Tribunal's jurisdiction upon any future application to make a determination under section 27A of the Act in respect of the reasonableness and/or the cost of the works.

Name: Judge S Wickham

Date: 17 March 2026

ANNEX – RIGHTS OF APPEAL

1. 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.
2. 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.
3. 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 being within the time limit.
4. 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.